

HB358 ENROLLED



1 11A63Z-3
2 By Representatives Shaver, Pettus
3 RFD: Public Safety and Homeland Security
4 First Read: 20-Apr-23
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1 Enrolled, An Act,

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6 Relating to vessels; to amend Sections 33-5-3, 33-5-4,

7 33-5-5, 33-5-6, 33-5-7, 33-5-8, 33-5-10, 33-5-12, 33-5-15,

8 33-5-16, 33-5-20, 33-5-21, 33-5-22, 33-5-23, 33-5-25, 33-5-26,

9 33-5-27, 33-5-28, 33-5-30, 33-5-31, 33-5-32, 33-5-34, 33-5-35,

10 33-5-36, 33-5-51, 33-5-52, 33-5-53, 33-5-54, 33-5-55, 33-5-56,

11 33-5-58, 33-5-59, 33-5-60, 33-5-61, 33-5-62, 33-5-63, 33-5-64,

12 33-5-65, 33-5-66, 33-5-67, 33-5-68, 33-5-69, 33-5-70, 33-5-71,

13 33-5-72, 33-5-73, 33-5-74, 33-5-75, 33-5-77, 33-5-79, 33-5-81,

14 Code of Alabama 1975, to establish the classification of

15 boating violation as a recognized criminal offense

16 classification and to reclassify various criminal offenses as

17 boating violations and further provide for criminal penalties;

18 to further provide for the requirement to report certain

19 boating accidents; to further provide for the general

20 operational and equipment requirements of a vessel; to further

21 provide for vessel horsepower requirements and the use of

22 engine cut-off switches; to establish the uniform electronic

23 boating traffic ticket and provide for its issuance; to amend

24 Sections 12-12-50, 12-12-51, 12-12-52, 12-12-55, and

25 12-19-179, Code of Alabama 1975, to provide the district court

26 with jurisdiction over boating violations and further provide

27 for the court costs and fees for boating violations; to amend

28 Section 41-27-6, Code of Alabama 1975, to rename the Marine



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29 Police Division within the Department of Public Safety to the
30 Marine Patrol Division; to make nonsubstantive, technical
31 revisions to update the existing code language to current
32 style; to repeal Sections 33-5-22.1, 33-5-29, 33-5-33, and
33 33-5-78, Code of Alabama 1975; and in connection therewith
34 would have as its purpose or effect the requirement of a new
35 or increased expenditure of local funds within the meaning of
36 Section 111.05 of the Constitution of Alabama of 2022.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. Sections 33-5-3, 33-5-4, 33-5-5, 33-5-6,
39 33-5-7, 33-5-8, 33-5-10, 33-5-12, 33-5-15, 33-5-16, 33-5-20,
40 33-5-21, 33-5-22, 33-5-23, 33-5-25, 33-5-26, 33-5-27, 33-5-28,
41 33-5-30, 33-5-31, 33-5-32, 33-5-34, 33-5-35, 33-5-36, 33-5-51,
42 33-5-52, 33-5-53, 33-5-54, 33-5-55, 33-5-56, 33-5-58, 33-5-59,
43 33-5-60, 33-5-61, 33-5-62, 33-5-63, 33-5-64, 33-5-65, 33-5-66,
44 33-5-67, 33-5-68, 33-5-69, 33-5-70, 33-5-71, 33-5-72, 33-5-73,
45 33-5-74, 33-5-75, 33-5-77, 33-5-79, 33-5-81, Code of Alabama
46 1975, are amended to read as follows:

47 "§33-5-3

48 As used in this ~~article~~ chapter, the following terms
49 ~~shall~~ have the following meanings ~~respectively ascribed to~~
50 ~~them in this section~~, unless the context clearly requires a
51 different meaning:

52 (1) ALEA. The Alabama State Law Enforcement Agency.

53 (2) BOATING VIOLATION. An offense committed on the
54 waters of this state, which does not amount to a misdemeanor
55 or felony, and for which this chapter authorizes a fine of not
56 more than two hundred dollars (\$200) or a sentence for a term



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57 of imprisonment in the county jail for not more than 30 days,
58 or both.

59 ~~(1)~~ (10) VESSEL. Every description of watercraft, other
60 than a seaplane, capable of being used as a means of
61 transportation on the water, but ~~such~~ the term ~~shall~~ does not
62 include vessels 12 feet in length or less when used solely on
63 farm ponds of less than 50 acres in size.

64 ~~(2)~~ (11) WATERS OF THIS STATE. Any waters within the
65 territorial limits of this state and the marginal sea adjacent
66 to this state and the high seas when navigated as a part of a
67 journey or ride to and from the shore of this state; ~~provided,~~
68 ~~however, that "waters of this state" shall not be interpreted~~
69 ~~to mean.~~ The term does not include any private pond which is
70 not used for boat rentals or the charging of fees for fishing
71 therein.

72 ~~(3)~~ (6) OWNER. A person, other than a lienholder, having
73 the property in or title to a vessel. The term includes a
74 person entitled to the use or possession of a vessel subject
75 to an interest in another person, reserved or created by
76 agreement and securing payment or performance of an
77 obligation, but the term excludes a lessee under a lease not
78 intended as security.

79 ~~(4)~~ (7) PERSON. An individual, partnership, firm,
80 corporation, association, or other entity.

81 (8) PERSONAL WATERCRAFT. As defined under Section
82 33-5-51.

83 (5) OPERATE. To navigate or otherwise use a vessel.

84 ~~(6) COMMISSIONER. The commissioner of the State~~



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85 ~~Department of Conservation and Natural Resources.~~

86 (9) SECRETARY. The Secretary of the Alabama State Law
87 Enforcement Agency.

88 ~~(7) STATE DEPARTMENT OF CONSERVATION AND NATURAL~~
89 ~~RESOURCES or DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.~~
90 ~~That department created by the laws of this state having~~
91 ~~supervision over game, fish, forestry, parks, seafoods and~~
92 ~~such lands of the state and such supervision over public~~
93 ~~waters of this state as now are constituted by law or any~~
94 ~~subsequent amendment thereto.~~

95 ~~(8)~~ (3) CERTIFICATE. Registration by a vessel owner ~~with~~
96 ~~the Department of Conservation and Natural Resources,~~
97 including the issuance of an identifying number awarded each
98 vessel and the issuance of a pocket-size certificate of
99 registration.

100 ~~(9)~~ (4) LENGTH. ~~Such~~ The term means measured from end to
101 end over the deck from the bow to the transom, excluding sheer
102 bowsprits, swim platforms, or engine brackets extending from
103 the hull."

104 "§33-5-4

105 (a) ~~It is hereby expressly made the duty of the~~
106 ~~commissioner to set up a division within the Department of~~
107 ~~Conservation and Natural Resources to be known as the~~
108 ~~"Division of Marine Police" with sufficient personnel to~~
109 ~~perform the necessary clerical and routine work for the~~
110 ~~department in~~ The Marine Patrol Division established pursuant
111 to Section 41-27-6 shall be responsible for all of the
112 following duties:



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113 (1) issuing Issuing, handling, and recording vessel
114 ~~registration identifying~~ numbers, ~~including the receiving.~~

115 (2) Receiving and accounting of all registration fees
116 and payments ~~of same~~ to ALEA into the State Treasury,
117 ~~receiving.~~

118 (3) Receiving and recording accident reports and ~~making~~
119 ~~such providing~~ reports of ~~such the~~ accidents to ~~such the~~
120 applicable federal agency as may be required by federal law.
121 ~~and such~~

122 (4) Investigating collisions that involve injuries or
123 fatalities.

124 (5) Any other incidental clerical work connected with
125 the administration of this ~~article~~ chapter.

126 (b) The ~~law enforcement~~ law enforcement officers of the
127 ~~Division of Marine Police of the Department of Conservation~~
128 ~~and Natural Resources~~ Marine Patrol Division shall be known as
129 ~~marine police officers~~ state troopers."

130 "§33-5-5

131 In addition to all other ~~power heretofore granted~~
132 powers authorized by law, ~~marine police officers and all other~~
133 ~~Department of Conservation and Natural Resources enforcement~~
134 ~~officers~~ state troopers of the Marine Patrol Division shall
135 have the power of peace officers in this state and may
136 exercise such powers anywhere within the state."

137 "§33-5-6

138 This article shall be enforced by the Alabama State Law
139 Enforcement Agency, Marine Patrol Division ~~of Marine Police~~,
140 by all law enforcement officers of the state, and by other



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141 agents and employees of the agency as designated and required
142 by the ~~Secretary of the Alabama State Law Enforcement Agency~~
143 secretary."

144 "§33-5-7

145 All records of ~~the Department of Conservation and~~
146 ~~Natural Resources, ALEA or any~~ probate judge or license
147 commissioner made or kept pursuant to this article shall be
148 public records, except confidential reports and except
149 accident reports as set out in this article."

150 "§33-5-8

151 The ~~Commissioner of Conservation and Natural Resources~~
152 secretary shall supply to any authorized official or agency of
153 the United States, upon ~~such~~ the agency's or official's
154 request and in accordance with any federal law or regulation
155 relative thereto, necessary information pertaining to
156 statistics and reports compiled under ~~the provisions of~~ this
157 article."

158 "§33-5-10

159 (a) The ~~agency~~ secretary shall issue annual
160 certificates of registration directly and shall authorize all
161 judges of probate in the state or any other official in the
162 state who is presently authorized to issue automobile license
163 plates to issue annual certificates of registration and
164 numbers in connection therewith. In conformity with this
165 article and any rules adopted by the ~~agency~~ secretary, the
166 ~~agency~~ secretary shall assign to each issuing officer in the
167 county a block of numbers and certificates therefor which upon
168 issue, the issuing officer shall be allowed a fee of two



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169 dollars (\$2) for each certificate issued by him or her. In
170 counties where the judge of probate or issuing officer is on
171 the fee system, the issuing fee shall be retained by the judge
172 of probate, and, in counties where the issuing officer or
173 judge of probate is on a salary basis, the fee shall be paid
174 to the county treasury. The issuance fee provided for herein
175 shall be in addition to the amount of the boat registration
176 fee.

177 (b) All registration money, except the two dollar (\$2)
178 fee allowed under subsection (a), shall be remitted monthly to
179 ~~the agency~~ ALEA not later than 10 days after the first of each
180 month. The ~~agency~~ secretary shall remit the registration money
181 to the State Treasurer to be deposited in the State Water
182 Safety Fund.

183 (c) All monies received out of the sale of licenses
184 under this article may be used by the ~~agency~~ secretary for all
185 purposes reasonably necessary in the cost of administration of
186 this article, including the printing of certificates of
187 registration, postage and transportation charges, clerical,
188 personnel, equipment purchases, salaries, and other expenses
189 for each year; except, that no funds collected under this
190 article may be used to supplement or pay the salaries of any
191 law enforcement officers other than those hired specifically
192 for the purposes of administering this article. The secretary
193 shall expend the monies appropriated to the Marine
194 ~~Police~~ Patrol Division as the secretary deems necessary and
195 appropriate; provided, however, that the appropriations may be
196 expended only for the purposes designated by the Legislature



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197 and in the amounts provided therefor in the general
198 appropriation bill and shall be budgeted and allotted in
199 accordance with the provisions of Article 4 of Chapter 4 of
200 Title 41. It is the intent of the Legislature that the agency
201 utilize existing personnel and equipment of the agency and of
202 the sheriffs of this state to the maximum possible extent in
203 enforcing and administering this article, to the end that
204 there be no costly duplication of services."

205 "§33-5-12

206 The numbering system employed pursuant to this chapter
207 shall be determined ~~and promulgated by the Commissioner of the~~
208 ~~Department of Conservation and Natural Resources acting~~
209 ~~pursuant to the authority conferred on him by Section 33-5-28;~~
210 ~~provided, that in~~ by the secretary by rule. In the event an
211 agency of the United States government shall have in force an
212 overall system of identification numbering for vessels within
213 the United States, any numbering system ~~employed or~~
214 ~~promulgated pursuant to this article~~ used shall conform
215 ~~thereto~~ to the federal requirements."

216 "§33-5-15

217 (a) Any vessel already covered by a number in full
218 force and effect which has been awarded to it pursuant to the
219 operative federal law or federally approved numbering system
220 of another state may be operated on the waters of this state
221 for a period of 90 consecutive days without being licensed
222 under ~~the provisions of~~ this article. Any vessel operating for
223 more than 90 consecutive days must then be registered and
224 licensed in the same manner as other vessels are required to



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225 be licensed under this article.

226 (b) Should the ownership of a vessel change, a new
227 application form with a fee of three dollars (\$3) for change
228 in registration shall be filed with ~~the Department of~~
229 ~~Conservation and Natural Resources~~ ALEA and a new certificate
230 issued transferring the original vessel number to the new
231 owner; provided, however, that the ~~Commissioner of~~
232 ~~Conservation and Natural Resources may at his or her~~
233 ~~discretion provide by duly promulgated regulations a~~
234 secretary, by rule, may adopt a system for the issuance of
235 ~~such the~~ changes of registration by the judges of probate
236 ~~judges~~ and license commissioners of this state, and, in the
237 event ~~such the~~ change of registration certificates are issued
238 by ~~such judges of~~ probate ~~judges~~ and license commissioners,
239 they shall be entitled to a fee ~~therefor~~ of two dollars (\$2).

240 (c) No ~~citizen or resident of this state~~ person may
241 operate ~~his or her~~ a vessel on the waters of this state when
242 ~~such the~~ vessel is under foreign registry; provided, however,
243 that any ~~such citizen or resident~~ person who has previously
244 registered his or her vessel in another state or by federal
245 registry before coming into this state may operate ~~same the~~
246 vessel for a period of 90 consecutive days without being
247 required to register under ~~the provisions of~~ this article."

248 "§33-5-16

249 (a) The owner shall furnish the ~~Department of~~
250 ~~Conservation and Natural Resources~~ secretary notice of the
251 transfer of all or any part of his or her interest other than
252 the creation of a security interest in a vessel numbered in



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253 this state pursuant to this article or of the destruction or
254 abandonment of ~~such the~~ vessel within 15 days thereof. ~~Such~~
255 The transfer, destruction, or abandonment shall terminate the
256 certificate for ~~such the~~ vessel; except, that in the case of a
257 transfer of a part interest which does not affect the owner's
258 right to operate ~~such the~~ vessel, ~~such the~~ transfer shall not
259 terminate the certificate.

260 (b) Any holder of a certificate shall notify ~~the~~
261 ~~Department of Conservation and Natural Resources~~ ALEA within
262 15 days if his or her address no longer conforms to the
263 address appearing on the certificate and ~~shall~~, as a part of
264 ~~such the~~ notification, shall furnish ~~the Department of~~
265 ~~Conservation and Natural Resources~~ ALEA with his or her new
266 address. The ~~Department of Conservation and Natural Resources~~
267 secretary may ~~provide in its rules and regulations~~ adopt rules
268 for the surrender of the certificate bearing the former
269 address and its replacement with a certificate bearing the new
270 address or for the alteration of an outstanding certificate to
271 show the new address of the holder.

272 (c) Any person who has purchased a ~~registration~~vessel
273 number for his or her vessel and subsequently loses or
274 misplaces the registration certificate may make application to
275 ~~the Department of Conservation and Natural Resources~~ ALEA,
276 accompanied by a fee of three dollars (\$3) for a duplicate
277 registration certificate. ~~Such applications must~~Each
278 application shall be made upon forms furnished by ~~the Division~~
279 ~~of Marine Police of the Department of Conservation and Natural~~
280 ~~Resources~~ ALEA.



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281 (d) ~~The Commissioner of Conservation and Natural~~
282 ~~Resources is authorized to provide by duly promulgated~~
283 ~~regulation~~ secretary may provide a system ~~wherein~~ through
284 which the judges of probate ~~judges~~ and license commissioners
285 in this state may issue duplicate registration certificates,
286 ~~and, in the event such probate judges and license~~
287 ~~commissioners issue such duplicate registration certificates,~~
288 ~~they.~~ A judge of probate or license commissioner who issues a
289 duplicate registration certificate pursuant to this subsection
290 shall be entitled to a fee of two dollars (\$2) ~~for each~~
291 ~~duplicate certificate."~~

292 "§33-5-20

293 (a) (1) The sheriffs of this state may be designated as
294 special agents to sell boat licenses ~~as provided for herein.~~

295 (2) ~~The Commissioner of Conservation and Natural~~
296 ~~Resources is authorized to~~ secretary may appoint other special
297 agents to sell boat licenses ~~as provided for herein~~; provided,
298 however, that ~~the Commissioner of Conservation and Natural~~
299 ~~Resources may not appoint~~ any special agent ~~until the agent is~~
300 appointed pursuant to this subdivision shall be bonded for not
301 less than five thousand dollars (\$5,000).

302 (b) ~~Such~~ Special agents shall receive licenses from ~~the~~
303 ~~Department of Conservation and Natural Resources~~ ALEA in the
304 same manner as the judges of probate ~~judges~~ and license
305 commissioners and shall make ~~such~~ any reports and be subject
306 to ~~such~~ any audits as the ~~Commissioner of Conservation and~~
307 ~~Natural Resources~~ secretary may specify. Special agents ~~so~~
308 ~~appointed~~ shall make returns to ~~the Department of Conservation~~



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309 ~~and Natural Resources~~ ALEA in the same manner as judges of
310 probate ~~judges~~ and license commissioners.

311 (c) ~~The Commissioner of Conservation and Natural~~
312 ~~Resources is further authorized to~~ secretary may cancel ~~such a~~
313 ~~special agents'~~ agent's authority to sell licenses at any time
314 ~~he or she may so desire.~~

315 (d) Special agents shall be entitled to an issuance fee
316 of two dollars (\$2).

317 (e) Any special agent selling licenses in excess of the
318 cost of licenses as herein specified shall be guilty of a
319 Class C misdemeanor ~~and upon conviction thereof shall be~~
320 ~~punished by a fine of not more than one hundred dollars~~
321 ~~(\$100)."~~

322 "§33-5-21

323 (a) ~~The Department of Conservation and Natural~~
324 ~~Resources through its agents and employees shall have the~~
325 ~~right to~~ Alabama State Law Enforcement Agency may inspect at
326 any reasonable time all boats owned or controlled by a livery
327 operator for the purpose of ascertaining their seaworthiness
328 and safety.

329 (b) In the event any boat owned or used by the livery
330 operator for rental purposes is determined to be in an unsafe
331 or unseaworthy condition, ~~the Department of Conservation and~~
332 ~~Natural Resources~~ ALEA shall immediately notify the livery
333 operator in writing as to the unsafe or unseaworthy condition
334 of ~~such the~~ boat or boats. and, after such After receipt of the
335 notification, it shall be unlawful for the ~~boat liveryman~~
336 livery operator to rent or offer to rent ~~any the~~ boat. ~~found~~



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337 ~~to be in such condition; provided, however, that if such~~

338 (c) If ALEA determines that a cited boat can be placed
339 in a seaworthy or safe condition by repairs or alterations ~~as~~
340 ~~so directed by the department,~~ the ~~same may then~~ boat may
341 again be used for rental purposes ~~but only after another~~
342 ~~inspection of the vessel to ascertain~~ after ALEA performs an
343 inspection on the vessel and determines ~~whether or not such~~
344 that the repairs or alterations have been duly made."

345 "§33-5-22

346 (a) Every vessel, while being operated on the waters of
347 this state, shall be equipped with reasonable safety devices
348 and navigation lights ~~as may be required under regulations~~
349 ~~promulgated~~ in accordance with rules adopted by the
350 ~~Commissioner of Conservation and Natural Resources~~ secretary.
351 No person shall operate or give permission for the operation
352 of a vessel ~~which~~ that is not equipped as ~~is~~ required by ~~rules~~
353 rule and regulations duly promulgated by of the ~~commissioner~~
354 ~~of the Department of Conservation and Natural Resources~~
355 secretary.

356 (b) All ~~such~~ safety equipment and ~~safety~~ navigation
357 lights required by this section shall meet ~~such~~ the minimum
358 standards ~~as~~ that the ~~Commissioner of Conservation and Natural~~
359 ~~Resources~~ secretary may ~~from time to time establish~~ adopt by
360 rule as minimum safety equipment and navigation lights, ~~and~~
361 ~~all such safety equipment and safety lights above the minimum~~
362 ~~requirements which are required by the rules and regulations~~
363 ~~of the Department of Conservation and Natural Resources shall~~
364 ~~conform with specific standards as may be adopted by the~~



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365 ~~Department of Conservation and Natural Resources.~~

366 (c) Airboats shall display a flag 10 by 14 inches on a
367 12 foot mast.

368 (d) A diver's flag must be displayed on the surface of
369 any water where ~~skin~~ divers or snorkelers are operating as may
370 be ~~stipulated by the Department of Conservation and Natural~~
371 ~~Resources~~ required by the secretary by rule.

372 ~~(e) Every vessel less than 26 feet in length designed~~
373 ~~to carry one or more persons and to be propelled by machinery~~
374 ~~as its principal source of power or designed to be propelled~~
375 ~~by oars shall, if manufactured or offered for sale in this~~
376 ~~state, have affixed permanently thereto by the manufacturer a~~
377 ~~capacity plate as required by rules and regulations duly~~
378 ~~promulgated by the Commissioner of the Department of~~
379 ~~Conservation and Natural Resources. This subsection shall~~
380 ~~apply to vessels manufactured after January 1, 1971.~~

381 ~~(f)~~ (e) Every motorboat shall have the carburetor or
382 carburetors of every engine ~~therein~~, except outboard motors
383 using gasoline as fuel, equipped with ~~such~~ an efficient USCG
384 approved flame arrestor, backfire trap, or similar device as
385 may be prescribed by ~~the regulations duly promulgated by the~~
386 ~~Commissioner of the Department of Conservation and Natural~~
387 ~~Resources~~ rule of the secretary."

388 "§33-5-23

389 (a) The exhaust of every internal combustion engine
390 used on any vessel shall be effectively muffled by equipment
391 so constructed and used as to muffle the noise of the exhaust
392 in a reasonable manner. The use of cutouts is prohibited,



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393 except for vessels competing in a regatta or official boat
394 race event that is permitted by the Marine Patrol Division,
395 ~~and for such vessels while on trial runs.~~

396 (b) No person shall use or have on board his or her
397 vessel a siren of any type while operating on the waters of
398 this state except as may be specifically allowed by ~~the~~
399 ~~Commissioner of Conservation and Natural Resources~~ the
400 secretary for enforcement purposes.

401 (c) A violation of this section is a boating
402 violation."

403 "§33-5-25

404 (a) ~~It shall be the duty of the~~ The operator of a
405 vessel involved in a collision, accident, incident, or other
406 casualty, so far as he or she can do so without serious danger
407 to his or her own vessel, crew, and passengers, if any, ~~to~~
408 shall render to other persons affected by the collision,
409 accident, incident, or other casualty assistance as may be
410 practicable and as may be necessary in order to save them from
411 or minimize any danger caused by the collision, accident,
412 incident, or other casualty, ~~and also to.~~ In addition, the
413 operator of the vessel shall give his or her name, address,
414 and identification of his or her vessel in writing to any
415 person injured and to the owner of any property damaged in the
416 collision, accident, incident, or other casualty.

417 (b) ~~In the case of~~ When a collision, accident,
418 incident, or other casualty involving a vessel, ~~the operator~~
419 ~~thereof, if the collision, accident, or other casualty results~~
420 results in the death or injury ~~to~~ of a person or damage to



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421 property in excess of two thousand dollars (\$2,000), ~~shall~~
422 within ~~10 days~~ 24 hours, the operator of the vessel shall file
423 with ~~the Department of Conservation and Natural Resources~~ ALEA
424 a full description of the collision, accident, incident, or
425 other casualty, including ~~such~~ any information ~~as the~~
426 ~~Department of Conservation and Natural Resources by regulation~~
427 ~~may require~~ required by the secretary by rule.

428 (c) (1) Except as otherwise provided in this section,
429 ~~All~~ all accident reports required by this section made by
430 persons involved in accidents shall be without prejudice to
431 the individuals ~~so reporting~~ filing the required reports and
432 shall be for the confidential use of ~~the Department of~~
433 ~~Conservation and Natural Resources~~ ALEA or other governmental
434 agencies having use of the record; ~~except, that the Department~~
435 ~~of Conservation and Natural Resources~~.

436 (2) The Alabama State Law Enforcement Agency may
437 disclose the identity of a person involved in an accident when
438 the identity is not otherwise known or when the person denies
439 his or her presence at the accident.

440 (3) No report shall be used as evidence in any trial,
441 civil or criminal, arising out of an accident; ~~except, that~~
442 ~~the Department of Conservation and Natural Resources shall~~
443 ~~furnish~~. Notwithstanding the foregoing, upon the demand of any
444 person who has made, or claims to have made, ~~such~~ a report, or
445 upon demand of any court, ALEA shall furnish a certificate
446 showing that a specified accident report has or has not been
447 made to ~~the Department of Conservation and Natural Resources~~
448 ALEA solely to prove a compliance or a failure to comply with



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449 the requirements that a report be made to ~~the Department of~~
450 ~~Conservation and Natural Resources~~ ALEA."

451 "§33-5-26

452 (a) No person ~~shall~~ may operate a vessel on any waters
453 of this state for towing a person or persons, ~~on~~ water skis,
454 ~~or~~ an aquaplane, or any other recreational device, unless
455 ~~there is in the vessel a person~~, in addition to the operator,
456 there is another person in the vessel who is at least 12 years
457 of age and is observing and is capable of communicating to the
458 operator of the vessel the progress and safety of the person
459 ~~or persons~~ being towed, or the vessel is equipped with a wide
460 angle mirror with a viewing surface of at least 78 square
461 inches and a field of vision of at least 170 degrees.

462 (b) No person ~~shall~~ may operate a vessel on any waters
463 of this state towing a person or persons on water skis, an
464 aquaplane, or any other recreational device, nor shall any
465 person engage in water skiing, aquaplaning, or similar
466 activity, at any time ~~between the hours from one hour~~ after
467 sunset ~~to one hour~~ or before sunrise.

468 (c) Subsections (a) and (b) ~~of this section~~ do not
469 apply to a performer engaged in a professional exhibition or a
470 person or persons participating in an official regatta,
471 motorboat race, marine parade, tournament, or exhibition
472 permitted by the Marine Patrol Division and held in compliance
473 with Section 33-5-27 and any rules adopted thereunder.

474 (d) No person except in jump buoys and like objects
475 used normally in competitive and recreational skiing ~~shall~~ may
476 operate or manipulate any vessel, tow rope, or other device by



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477 which the direction or location of water skis, aquaplane, or
478 any other recreational device may be affected or controlled in
479 a manner to cause the water skis, aquaplane, or other
480 recreational device, or any person thereon, to collide with or
481 strike against any object or person.

482 (e) Subsection (a) shall not apply to personal
483 watercraft as defined in Section 33-5-51.

484 (f) Any person who violates this section shall be
485 guilty of a ~~Class B misdemeanor~~ boating violation, ~~punishable~~
486 ~~upon conviction as provided in Sections 13A-5-7 and 13A-5-12.~~
487 ~~Any person so convicted shall be fined not less than one~~
488 ~~hundred dollars (\$100)."~~

489 "§33-5-27

490 (a) The ~~commissioner~~ secretary shall adopt and may from
491 time to time amend ~~regulations~~ rules concerning the safety of
492 vessels and persons ~~thereon, either observers of or~~
493 ~~participants,~~ observing or participating in any regatta,
494 motorboat, or other boat race, marine parade, tournament, or
495 exhibition.

496 (b) Any person ~~or organization~~ sponsoring a regatta,
497 motorboat, or other boat race, marine parade, tournament, or
498 exhibition shall be responsible for providing adequate
499 protection from marine traffic interference and hazards."

500 "§33-5-28

501 The ~~Commissioner of the Department of Conservation and~~
502 ~~Natural Resources~~ secretary shall ~~make,~~ adopt, ~~promulgate,~~
503 ~~amend and repeal all~~ rules ~~and regulations~~ necessary ~~or~~
504 ~~convenient~~ for the ~~carrying out of the duties and obligations~~



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505 ~~and powers conferred on the said Commissioner of the~~
506 ~~Department of Conservation and Natural Resources by~~
507 administration of this article. ~~Further clarifying the~~
508 ~~rule-making power of the commissioner, he shall have power and~~
509 ~~authority to make, adopt, promulgate, amend and repeal all~~
510 ~~rules and regulations as shall promote safety for persons and~~
511 ~~property in and connected with the use, operation and~~
512 ~~equipment of vessels and for the carrying out of duties,~~
513 ~~obligations and powers conferred upon the Commissioner of the~~
514 ~~Department of Conservation and Natural Resources by this~~
515 ~~article, subject to such supervision of the Advisory Board of~~
516 ~~Conservation and Natural Resources as set out in Section~~
517 ~~9-2-15."~~

518 "§33-5-30

519 All rules ~~and regulations duly promulgated~~ adopted
520 ~~under the provisions of~~ this article by the ~~Commissioner of~~
521 ~~Conservation and Natural Resources~~ secretary shall be admitted
522 as evidence in the courts of this state when accompanied by an
523 affidavit from the ~~Commissioner of Conservation and Natural~~
524 ~~Resources~~ secretary certifying that the rule ~~or regulation~~ has
525 been lawfully adopted ~~and promulgated~~ and ~~such~~ the affidavit
526 shall be prima facie evidence of proper adoption ~~and~~
527 ~~promulgation~~ of the rule ~~or regulation~~."

528 "§33-5-31

529 (a) (1) The provisions of this ~~article and chapter,~~
530 ~~rules and regulations promulgated~~ adopted pursuant thereto,
531 and other general laws of this state shall govern the
532 operation, equipment, numbering and all other matters relating



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533 ~~thereto whenever any vessel shall be operated~~ to the operation
534 of a vessel on the waters of this state, ~~or when any activity~~
535 ~~regulated by this article shall take place thereon, but~~
536 ~~nothing.~~

537 (2) Nothing in this chapter shall be construed to
538 prevent the adoption of any ordinance or local law relating to
539 operation of vessels the provisions of which are identical to
540 the provisions of this ~~article, amendments thereto~~ or
541 ~~regulations issued~~ chapter or rules adopted thereunder;
542 provided, that ~~such~~ the ordinances or local laws shall be
543 operative only so long as and to the extent that they continue
544 to be identical to the applicable provisions of this article, ~~or~~
545 ~~amendments thereto~~ or ~~regulations~~ rule issued thereunder.

546 (b) (1) Any subdivision of this state ~~may, at any time,~~
547 ~~but only~~ after public notice, may make formal application to
548 the ~~commissioner~~ secretary for special rules ~~and regulations~~
549 ~~with reference to~~ for the operation of vessels on any waters
550 within its territorial limits and shall set forth ~~therein~~ in
551 the application the reasons ~~which make such~~ the special rules
552 ~~or regulations~~ are necessary or appropriate.

553 (2) The public notice shall be effected by the ~~said~~
554 subdivision ~~causing~~ publishing a copy of the proposed public
555 rules ~~or regulations to be published~~ one time per week for
556 four consecutive weeks in a newspaper of general circulation
557 within the area that the subdivision is located.

558 (c) The ~~commissioner is hereby authorized to make~~
559 secretary may adopt special rules ~~and regulations with~~
560 ~~reference to~~ regulating the operation of vessels on any waters



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561 within the territorial limits of any subdivision of this
562 state."

563 "§33-5-32

564 District courts of any county of the State of Alabama
565 shall have and are hereby given final jurisdiction to try and
566 convict persons, ~~firms or corporations~~ violating ~~any of the~~
567 ~~provisions of~~ this chapter or the rules ~~and regulations~~
568 ~~promulgated~~ adopted thereunder, subject to any proper appeal;
569 and they shall remit to the ~~commissioner~~ secretary, on or
570 before the tenth day of each month, all fines and forfeitures
571 collected by them ~~for the violation of such laws, rules and~~
572 ~~regulations~~, together with a statement of the name of the
573 person, ~~firm or corporation~~ convicted ~~of such violation~~, the
574 time date of ~~such the~~ conviction, the amount of the fine or
575 penalty, the date of the remittance, and the specific charge
576 ~~for which the defendant was tried.~~"

577 "§33-5-34

578 Notwithstanding any other law to the contrary, in all
579 criminal and quasi-criminal proceedings against a defendant
580 for a boating violation, when a defendant is adjudged guilty
581 or pleads guilty, or is adjudicated a juvenile delinquent or
582 youthful offender, or when a bond is forfeited and the result
583 of the forfeiture is a final disposition of the case, or where
584 any penalty is imposed, any court costs, docket fees, and
585 other fees and taxes assessed for traffic infractions under
586 Chapter 19 of Title 12 and Section 15-23-17 shall be imposed
587 in like manner against the defendant. ~~When an arrest for~~
588 ~~violation of the provisions of this article or regulations~~



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589 ~~promulgated thereunder is made by a salaried officer not~~
590 ~~employed by the Department of Conservation and Natural~~
591 ~~Resources and the defendant is convicted, there shall be taxed~~
592 ~~as cost the same fee as a sheriff in this state is entitled to~~
593 ~~for similar services and if collected from the defendant it~~
594 ~~shall be immediately remitted by the trial court directly to~~
595 ~~the treasurer of the county in which the offense occurred.~~
596 ~~When an arrest for violation of the provisions of this article~~
597 ~~or regulations promulgated thereunder is made by a salaried~~
598 ~~officer of the Department of Conservation and Natural~~
599 ~~Resources and the defendant is convicted, there shall be taxed~~
600 ~~as cost the same fee as a sheriff in this state is entitled to~~
601 ~~for similar services and if collected from the defendant it~~
602 ~~shall be immediately remitted by the trial court directly to~~
603 ~~the Department of Conservation and Natural Resources, which~~
604 ~~fee shall be deposited to the credit of the Water Safety Fund.~~
605 ~~If the officer making the arrest be a nonsalaried officer and~~
606 ~~if said fee is collected from the defendant, said nonsalaried~~
607 ~~officer shall be entitled to said fee; provided, that no~~
608 ~~person shall be entitled to receive an informer's fee; and,~~
609 ~~further provided, that no fee shall be allowed in cases of~~
610 ~~acquittal. In the event the arrest is made by a county~~
611 ~~officer, salaried or nonsalaried, 50 percent of the fine shall~~
612 ~~be remitted to the credit of the county treasury of the county~~
613 ~~in which the offense was committed, and the remaining 50~~
614 ~~percent of the fine shall be remitted to the State Treasury~~
615 ~~for deposit to the "State Water Safety Fund." In the event the~~
616 ~~arrest is made by an officer other than a county officer, the~~



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617 ~~fine shall be remitted to the State Treasurer for deposit to~~
618 ~~the "State Water Safety Fund."~~

619 "§33-5-35

620 Any person convicted of violating any provision of this
621 ~~article chapter~~, except as ~~set out~~ otherwise provided in
622 ~~subsection (c) of Section 33-5-24~~, shall be guilty of a
623 ~~misdemeanor boating violation~~ and ~~upon conviction thereof~~
624 ~~shall be fined not less than \$10.00 nor more than \$100.00 and~~
625 ~~costs for each such violation~~ shall be sentenced by the court
626 to any of the following:

627 (1) Imprisonment in the county jail for not more than
628 30 days.

629 (2) Payment of a fine of not more than two hundred
630 dollars (\$200).

631 (3) Both imprisonment and fine.

632 (b) Boating violations shall be deemed violations as
633 described under Section 13A-5-3(d)."

634 "§33-5-36

635 The ~~Commissioner of Conservation and Natural Resources~~
636 ~~is authorized to provide by duly promulgated regulation~~
637 secretary, by rule, may establish a system for issuing warning
638 citations ~~under such conditions as he may deem proper.~~"

639 "§33-5-51

640 (a) As used in this ~~section~~ chapter, "personal
641 watercraft" means a vessel ~~which~~ that uses an inboard motor
642 powering a water jet pump as its primary source of motive
643 power and ~~which~~ is designed to be operated by a person
644 sitting, standing, or kneeling on the vessel, rather than the



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645 conventional manner of sitting or standing inside the vessel.

646 (b) A person may not operate a personal watercraft on
647 the waters of this state, ~~as waters are defined in Section~~
648 ~~33-5-3~~, unless each person operating, riding on, or being
649 towed by the vessel is wearing a personal flotation device
650 approved by the United States Coast Guard, in accordance with
651 rules ~~and regulations by the Commissioner of the Department of~~
652 ~~Conservation and Natural Resources~~ adopted by the secretary.

653 (c) A person operating a personal watercraft on the
654 waters of this state that does not have ~~self-circling~~
655 self-circling capability, shall have a lanyard type engine
656 cutoff switch and ~~must~~ shall attach the lanyard to ~~the~~ his or
657 her person, clothing, or personal flotation device, as is
658 appropriate.

659 (d) (1) A person commits the crime of reckless operation
660 of a personal watercraft ~~shall at all times be operated on the~~
661 ~~waters of this state in a reasonable and prudent manner.~~
662 ~~Maneuvers which~~ if the person maneuvers the personal
663 watercraft in a reckless manner that ~~endanger~~ endangers life,
664 limb, or property, or ~~create~~ creates a public nuisance,
665 including, but not limited to, any of the following, ~~weaving~~
666 maneuvers:

667 a. Weaving through congested vessel traffic at high
668 speed, ~~following.~~

669 b. Following closely behind within the wake of a vessel
670 towing a person ~~or persons~~ on water skis, surfboard, or other
671 water sport device, ~~jumping.~~

672 c. Jumping the wake of another vessel ~~travelling~~



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673 traveling in the same direction in close proximity to the
674 vessel, ~~cutting.~~

675 d. Cutting between a ~~boat~~ vessel and the person ~~or~~
676 ~~persons~~ being towed by that ~~boat~~ vessel, ~~or crossing.~~

677 e. Crossing at right angles in close proximity to the
678 stern of another vessel or when visibility around the other
679 vessel is obstructed, ~~or steering.~~

680 f. Steering a vessel toward any object or person in the
681 water and turning sharply at close range so as to spray the
682 object or person, ~~shall all constitute the reckless operation~~
683 ~~of a vessel, as provided in subsection (a) of Section 33-5-70.~~

684 (2) Any person violating this subsection shall be
685 punished upon conviction as provided in Section 33-5-70.

686 (e) No person under ~~the age of 12 shall~~ 14 years of age
687 may operate a personal watercraft on the waters of this state,
688 ~~and persons who are at least 12 and over may only operate~~
689 ~~personal watercraft on the waters of this state to the extent~~
690 ~~otherwise permitted~~ except as provided under Section 33-5-57
691 or as otherwise authorized by law.

692 (f) It is unlawful for the owner of any personal
693 watercraft or any person having charge over or control of a
694 personal watercraft to authorize or knowingly permit ~~these~~ the
695 personal watercraft to be operated on the waters of this state
696 by a person in violation of this section.

697 (g) No person shall tow any person by personal
698 watercraft unless the personal watercraft is equipped with ~~a~~
699 rearview ~~mirror~~ mirrors meeting the specifications established
700 by ~~regulation of the Commissioner of the Department of~~



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701 ~~Conservation and Natural Resources~~ rule of the secretary.

702 (h) Any person who violates this section, except as
703 otherwise provided in subsection (d), shall be guilty of a
704 ~~Class B misdemeanor boating violation, punishable upon~~
705 ~~conviction as provided in Sections 13A-5-7 and 13A-5-12. All~~
706 ~~persons so convicted shall be fined not less than twenty-five~~
707 ~~dollars (\$25). All fines collected for violation of this~~
708 ~~section shall be paid into the State Water Safety Fund.~~

709 (i) This section does not apply to a performer engaged
710 in a professional exhibition or a person participating in a
711 regatta, race, marine parade, tournament, or exhibition
712 permitted by the Marine Patrol Division and held in compliance
713 with Section 33-5-27, ~~and any rules and regulations issued by~~
714 ~~the Commissioner of Conservation and Natural Resources~~ adopted
715 by the secretary."

716 "§33-5-52

717 (a) (1) Every person, ~~except those specifically exempted~~
718 ~~by statutory enactment, within five years from April 28, 1994,~~
719 shall procure a boater safety certification before operating a
720 motorized vessel upon the waters of this state, ~~as defined in~~
721 ~~Section 33-5-3.~~ This section ~~shall~~ does not apply to the
722 operation of any non-motorized sailboat, rowboat, or canoe.
723 (2) Notwithstanding ~~anything any law~~ to the contrary ~~herein,~~
724 an Alabama resident 16 years of age ~~and or~~ older, who has not
725 been previously issued a boater safety certification, ~~may~~ for
726 a period of ~~thirty (30)~~ 30 days following the date of sale of
727 the vessel to the person, may operate the vessel upon the
728 waters, provided both of the following conditions are met:



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729 (1) a. The vessel has been registered in the name of the
730 person; ~~and (2) a.~~

731 b. A bill of sale for the vessel, indicating that the
732 person is the purchaser and owner of the vessel, is in the
733 possession of the person at all times of operation.

734 (3) ~~In addition, any person while~~ A person taking test
735 drives of vessels for sale, when accompanied by a licensed
736 vessel dealer, shall be exempt during the drive from the
737 certification.

738 (4) Every new resident of the State of Alabama, before
739 operating a motorized vessel, shall procure the certification
740 within 30 days after establishing residence in this state.

741 (b) Each boater safety certification issued to a
742 person, if issued at the same time the person is issued a
743 valid Alabama motor vehicle driver or learner license, or
744 valid Alabama nondriver identification card, or if issued
745 prior to the expiration date of the driver or learner license
746 or card, shall expire on the expiration date of the person's
747 valid Alabama motor vehicle driver or learner license or card.
748 In all other cases, the expiration date of each boater safety
749 certification shall be four years from the date of issuance.

750 (c) Every boater safety certification issued under this
751 article may be renewed at the end of the certification period
752 without examination upon application. For the purpose of
753 renewal of a boater safety certification, ~~the Department of~~
754 ~~Public Safety~~ ALEA shall mail renewal notices to each
755 certification holder 30 days after the expiration date if the
756 certification has not been renewed. A grace period of 60 days



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757 after the expiration date of certification shall exist for the
758 purpose of certification renewal and the certification shall
759 be valid for this time period. The applicant shall apply for
760 renewal of certification any time during a period beginning 30
761 days before the expiration date of the then current
762 certification until three years after the expiration date of
763 certification. Failure to make application for renewal within
764 the specified time shall result in the applicant being
765 required to take, and successfully pass, a written or oral
766 examination ~~as administered by the Department of Public Safety~~
767 [ALEA](#). If any person's birthday is February 29, the first day
768 of March following shall be regarded as the birthday for the
769 purposes of this section.

770 (d) Nonresidents ~~at least~~ 12 [or more](#) years of age who
771 have in their immediate possession a valid boater safety
772 certification or vessel operator's certification issued in
773 their home state or country shall be exempt from the
774 requirements of this section, but under no circumstances shall
775 a person be granted any privileges of operation beyond those
776 granted to an Alabama resident certification holder of the
777 same age.

778 (e) Nonresidents ~~at least~~ 12 [or more](#) years of age whose
779 home state or country does not require boater safety
780 certification or the licensing of vessel operators shall also
781 be exempt from the requirements of this section for a
782 cumulative operation period of not more than 45 days in any
783 calendar year. Otherwise, any nonresidents shall be examined
784 and certified under the same terms and conditions as Alabama



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785 residents. Nonresidents may be examined and obtain
786 certification in any county and the certification shall be
787 entitled "Nonresident Alabama Boater Safety Certification,"
788 but under no circumstances shall a person be granted any
789 privileges of operation beyond those granted to an Alabama
790 resident certification holder of the same age.

791 (f) A person operating a vessel pursuant to a valid and
792 legal commercial activity, ~~shall~~, during the period of time of
793 that activity only, shall be exempt from the requirement of
794 boater safety certification. Otherwise, the person shall be
795 subject to the requirement.

796 (g) A person, while using a rental vessel from a boat
797 rental business duly licensed by the applicable municipality
798 or county, shall be exempt from the certification requirements
799 of this section if the following conditions are met:

800 ~~The person rents a vessel from a boat rental business~~
801 ~~duly licensed by the municipality or the county if the~~
802 ~~following three conditions are met:~~

803 ~~a.~~ (1) The rental contract specifies that the lessee has
804 been instructed in the proper and safe operation of the vessel
805 by the lessor or the authorized agent of the lessor, ~~and.~~

806 ~~b.~~ (2) The lessor ~~in fact~~ has complied with the terms of
807 rental contract and all parties sign the contract, ~~and.~~

808 ~~c.~~ (3) The lessee signs a statement that the lessee is
809 not currently under suspension or revocation of any boater
810 safety certification or vessel operation privilege ~~in this~~
811 ~~state.~~

812 (4) A copy of the applicable rental contract is on



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813 board the vessel while the vessel is in operation."

814 "§33-5-53

815 (a) (1) Every person who applies for a boater safety
816 certification under this article, except as otherwise provided
817 in this subsection, shall pay a five dollar (\$5) application
818 fee and shall be given either a certificate of exemption from
819 examination, if applicable, or ~~will be given an~~ a written or
820 oral examination, ~~either written or oral~~, before applying to
821 the judge of probate or license commissioner for the issuance
822 of the certification.

823 (2) No person shall be eligible for, or issued, an
824 exemption from examination in the event the person is
825 convicted, ~~on or after April 28, 1994~~, of violating any crime
826 relating to the operation of a vessel, whether contained in
827 this ~~article~~ chapter or otherwise, for which a person's boater
828 safety certification or vessel operating privileges shall be
829 suspended or revoked pursuant to this ~~article~~ chapter.

830 (3)a. The person shall first apply to ~~either the~~
831 ~~officer, state trooper, or duly authorized agent of the~~
832 ~~Director of Public Safety~~, the individual designated by the
833 ~~Director of Public Safety~~ secretary to conduct examinations for
834 the county of the applicant's residence, and a minor shall
835 furnish a certified copy of a birth certificate or a certified
836 statement from the county superintendent of education in which
837 the applicant resides or the superintendent of the school
838 which the person attends, to prove age and upon proof shall
839 immediately be examined.

840 b. Any operator of a boat who is 40 years of age or



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841 older, whether a resident or a non-resident, as of April 28,
842 1994, shall be granted a certificate of exemption only from
843 the certification examination requirements of this article,
844 but shall be subject to all the other requirements of this
845 article. Any operator of a boat or vessel that is a holder of
846 a current valid United States Coast Guard license issued under
847 Section 46, Code of Federal Regulations, Part 10, is exempt
848 from the safety certification requirements of Section 33-5-52,
849 only while performing the duties of the operator, including,
850 but not limited to, the following: Carrying passengers for
851 hire on United States navigable waters; on all towboats
852 greater than 26 feet engaged in towing; on any steam propelled
853 vessel; on any sea-going vessel greater than 200 gross tons;
854 on any vessel engaged in off-shore oil or mineral production;
855 and on all boats or vessels over 200 gross tons. Also exempt
856 from the safety certification requirements of Section 33-5-52,
857 only upon proof of valid documentation and only while
858 performing commercial fishing duties, is an operator of a
859 commercial fishing vessel or boat. A person holding a valid
860 United States Coast Guard motorboat operator's license, and a
861 person submitting a valid certificate of successful completion
862 of any of the following boating courses: (a) United States
863 Power Squadron, (b) United States Coast Guard Auxiliary, or
864 (c) any State of Alabama Marine Police Division approved
865 boating safety course, shall be exempt from the examination
866 requirements, and shall be issued a certificate of exemption
867 from examination, for a boater safety certification, but shall
868 be subject to all other requirements of this article.



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869 (b) A person may be examined in a county other than the
870 county designated by the ~~Director of Public Safety~~ secretary
871 by agreement in writing with the ~~Director of Public Safety~~
872 secretary.

873 (c) The ~~Commissioner of Conservation and Natural~~
874 ~~Resources~~ secretary shall establish from time to time as
875 necessary the kind of examination or test to be given, which
876 shall be of similar length and content as the motor vehicle
877 driver license examination, and the method and manner of
878 giving the test and ascertaining and reporting the results.
879 Reports of all examinations shall be on forms provided by the
880 ~~Director of Public Safety~~ secretary and shall show whether or
881 not the applicant passed the examination. No provision of this
882 subsection shall be construed to require a test of driving
883 skills. The rules ~~and regulations promulgated~~ adopted by the
884 ~~commissioner~~ secretary pursuant to this subsection shall be
885 subject to the Administrative Procedure Act.

886 (d) If the applicant passes the examination, a
887 certificate to that effect shall be given, on a form provided
888 by the ~~Director of Public Safety~~ secretary, by the ~~officer,~~
889 ~~state trooper, or duly authorized agent of the Director of~~
890 ~~Public Safety~~ individual conducting the test. The person shall
891 present the certificate, or the certificate of exemption from
892 examination if applicable, to the judge of probate or license
893 commissioner of the county, together with the application for
894 a boater safety certification, and the judge of probate or
895 license commissioner shall attach the certificate to the
896 application and forward it to the ~~Director of Public Safety~~



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897 secretary along with the application at the time the
898 application is sent.

899 (e) If any person fails to pass the examination given,
900 no certificate shall be given and no application for a boater
901 safety certification shall be accepted by a judge of probate
902 or license commissioner unless it is accompanied by a
903 certificate showing that the applicant has passed the
904 examination.

905 (f) The application fees shall be retained by the
906 ~~Department of Public Safety~~ secretary and are appropriated on
907 a continuous basis and shall be utilized and expended for
908 boating safety or law enforcement purposes and shall not
909 revert to the General Fund at the end of the fiscal year."

910 "§33-5-54

911 (a) Unless otherwise provided in this article, upon the
912 installation of a system for the issuance of boater safety
913 certifications with color photographs of holders, all
914 certifications and renewals issued in this state shall be
915 issued in the following manner:

916 (1) The person shall apply under oath to the judge of
917 probate or license commissioner of the county of residence for
918 the certification or renewal upon a form which shall be
919 provided by the ~~Director of Public Safety~~ secretary.

920 (2) Subject to the other provisions of this section,
921 the judge of probate or license commissioner shall take a
922 color photograph of the holder, with equipment to be furnished
923 by the ~~Department of Public Safety~~ secretary, to be attached
924 to each application.



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925 (b) It is the legislative intent to implement and
926 maintain a boater safety certification program at the lowest
927 possible cost to the citizens of Alabama. Consistent with this
928 goal, it is the legislative intent to not require payment for
929 boater safety certifications when certifications are obtained
930 at the time of issuance of a valid Alabama motor vehicle
931 driver or learner license or valid Alabama nondriver
932 identification card, but rather utilize one card for those
933 purposes.

934 (c) The following requirements shall apply to persons
935 obtaining boater safety certifications other than at the time
936 of issuance of their Alabama motor vehicle driver or learner
937 license or identification card:

938 For the purpose of defraying the cost of issuing boater
939 safety certifications with color photographs of the holder
940 thereon, the judge of probate or license commissioner shall
941 collect for each certification the sum of twenty dollars (\$20)
942 for a four-year certification, and the judge of probate or
943 license commissioner shall give the applicant a boater safety
944 certification.

945 (d) Notwithstanding anything to the contrary, in the
946 event the applicant is, at the time of issuance, also issued a
947 valid Alabama motor vehicle driver or learner license or valid
948 Alabama nondriver identification card, then the applicant
949 shall not be required to pay any additional amount for the
950 boater safety certification.

951 (e) Any person given a citation for failure to have a
952 boater safety certification who had a current, valid boater



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953 safety certification at the time of the citation which was not
954 on his or her person at the time the citation was issued, may
955 present the boater safety certification to the court or the
956 court clerk and the citation shall be dismissed without the
957 payment of any costs."

958 "§33-5-55

959 At the close of business on Monday of each week, when
960 any application has been received, the judge of probate
961 receiving the application shall prepare a report upon a form
962 which shall be provided by the ~~Director of Public Safety~~
963 secretary. One copy of the report, together with all
964 applications received, shall be forwarded to the ~~Director of~~
965 ~~Public Safety~~ secretary and one copy shall be retained by the
966 judge of probate. On the tenth day of every month, the judge
967 of probate shall prepare a report showing the number of
968 applications received and the amount of fees received during
969 the previous calendar month; provided, that the report shall
970 be prepared on the twentieth day in October, November, and
971 December. One copy of the report shall be forwarded to the
972 ~~Director of Public Safety~~ secretary, ~~one to the Commissioner~~
973 ~~of Conservation and Natural Resources~~, one to the state
974 Comptroller, and one to the State Treasurer, and the judge of
975 probate shall retain a copy. Except as otherwise provided in
976 this article, the judge of probate shall also at that time
977 deliver to the State Treasurer the amount of all the fees
978 collected, less one dollar fifty cents (\$1.50) for each boater
979 safety certification issued, which sum shall be retained by
980 him or her. Except in counties where the judge of probate is



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981 compensated by fees, each one dollar fifty cents (\$1.50)
982 retained by the judge of probate shall be paid into the public
983 highway and traffic fund of the county. In counties where the
984 judge of probate is compensated by fees, two-fifths of each
985 one dollar fifty cents (\$1.50) retained by the judge of
986 probate shall be for his or her own use, and no other or
987 further charge shall be made for services rendered in taking
988 or receiving applications or issuing permits. The remaining
989 three-fifths shall be paid into the public highway and traffic
990 fund of the county. This section, providing for the allocation
991 of the one dollar fifty cents (\$1.50) retained by the judge of
992 probate in counties where the judge of probate is compensated
993 by fees, shall not repeal any local statutes or general
994 statutes of local application providing for a different
995 allocation of the one dollar fifty cents (\$1.50). The funds
996 remitted to the State Treasurer under this section, shall be
997 deposited into the Highway Traffic Safety Fund for the
998 Department of Public Safety within the State Treasury. All
999 money deposited in the State Treasury to the credit of the
1000 Highway Traffic Safety Fund for the Department of Public
1001 Safety shall be expended for law enforcement purposes and
1002 shall be appropriated on a continuous basis and shall not
1003 revert to the General Fund of the State Treasury."

1004 "§33-5-56

1005 (a) Each boater safety certification issued by ~~the~~
1006 ~~Department of Public Safety~~ ALEA, except for temporary
1007 certifications issued pursuant to Section 33-5-54, or except
1008 special circumstances as determined by the ~~Director of the~~



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1009 ~~Department of Public Safety~~ secretary, shall bear ~~thereon~~ a
1010 distinguishing number assigned to the holder and a color
1011 photograph of the holder, the name, birth date, address, and a
1012 description of the holder, who, for the purpose of
1013 identification and as a condition precedent to the validity of
1014 the certification, immediately upon receipt thereof, shall
1015 endorse his or her usual or regular signature in ink or
1016 electronically upon the certification in the space provided,
1017 unless a facsimile of the holder's signature appears.

1018 (b) The photo boater safety certification, as provided
1019 in Section 33-5-54, shall have a photo core that meets the
1020 minimum width and length dimensions specified in ANSI
1021 standards X4.13-1971 and ANSI standard CR80, plus or minus 1/4
1022 inch. In addition to ~~all current and existing~~ any other fees,
1023 ~~the Department of Public Safety~~ ALEA may charge an additional
1024 fee to recover the cost of obtaining boater safety
1025 certifications and terminal support equipment from the
1026 supplier. The fee may not exceed ten cents (\$.10) over the
1027 actual cost of obtaining the necessary material from the
1028 supplier. Revenues collected under this section shall be used
1029 by ~~the department~~ ALEA for the sole purpose of this program
1030 and any excess shall revert to the State General Fund at the
1031 end of each fiscal year.

1032 (c) Notwithstanding ~~anything~~ any other law to the
1033 contrary, in the event a person is issued a valid Alabama
1034 motor vehicle driver or learner license, or valid Alabama
1035 nondriver identification card at the same time as issuance of
1036 the boater safety certification, the certification shall



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1037 consist of a notification on the driver or learner license or
1038 the identification card, at no additional cost for
1039 notification, that the person is also the holder of a boater
1040 safety certification. No additional fees ~~shall~~ may be
1041 collected or retained for the issuance of a boater safety
1042 certification under these circumstances. Any person may have a
1043 duplicate card issued, at the same cost as the original cost,
1044 for the convenience of the individual. The duplicate shall be
1045 marked "duplicate."

1046 "§33-5-58

1047 (a) Any person with physical disabilities, a record of
1048 an impairment, or regarded as having an impairment, shall be
1049 subject to the same laws, and rules, ~~and regulations set forth~~
1050 adopted by the ~~Department of Public Safety and the Department~~
1051 ~~of Conservation and Natural Resources~~ secretary relating to the
1052 certification of an individual to operate a vessel.

1053 (b) Notwithstanding any law, or rule to the contrary,
1054 ~~or regulation~~, the ~~Department of Public Safety~~ secretary shall
1055 not refuse to issue or renew any certification for the
1056 operation of a vessel on the grounds of physical appearance,
1057 speculations, or generalizations that the individual's
1058 physical impairment would impede that person's ability to
1059 operate a vessel in a safe manner without probable cause to
1060 believe the person's ability to operate a vessel in a safe
1061 manner is ~~in fact~~ impaired.

1062 (c) If ~~the department refuses to issue~~ a person's
1063 application for a certification is denied ~~or arbitrarily~~
1064 ~~questions the person's abilities~~, based on the physical



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1065 appearance or speculated inability of the person to operate a
1066 vessel in a safe manner, the person shall have a right to an
1067 impartial hearing before the ~~Director of Public Safety~~
1068 secretary or his or her designee. At the hearing, the person
1069 shall have the right to be represented by counsel and to
1070 present witnesses including, but not limited to, a physician
1071 of choice. The person may appeal any decision to the circuit
1072 court of competent jurisdiction for a trial de novo.

1073 (d) This section shall be interpreted to be consistent
1074 with and to further the purposes and policies of Section 504
1075 of the Rehabilitation Act of 1973, as amended, 34 CFR Part 104
1076 and P.L. 101-336, The Americans with Disabilities Act of 1990,
1077 together with implementing regulations, and amendments to the
1078 laws and regulations."

1079 "§33-5-59

1080 Every holder of a boater safety certification shall
1081 have the certification in personal possession at all times
1082 when operating a motorized vessel and shall display the
1083 certificate upon demand of a judge of any court, ~~a peace~~
1084 ~~officer, state marine police officer, or a state trooper~~ or
1085 law enforcement officer. No person charged with violating this
1086 section shall be convicted, if the person produces in court or
1087 in the office of the arresting officer a boater safety
1088 certification issued prior to the arrest and valid at the time
1089 of arrest."

1090 "§33-5-60

1091 (a) ~~The Director of Public Safety and Commissioner of~~
1092 ~~Conservation and Natural Resources are empowered to~~ secretary



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1093 may enter into reciprocal agreements with other states
1094 constituting an exchange of rights or privileges in the use of
1095 boater safety certifications, vessel operator's
1096 certifications, or vessel operating privileges, within this
1097 state by residents of other states.

1098 (b) Nothing in this article shall in any way affect the
1099 revocation of certifications of another state.

1100 (c) The reciprocal agreement ~~can~~ may be annulled on
1101 notice issued to either party by the other party within 30
1102 days.

1103 (d) No reciprocal agreement shall authorize a person
1104 who has been a resident of this state for the past 90 or more
1105 days to operate a motorized vessel in this state without a
1106 valid boater safety certification issued by the ~~Director of~~
1107 ~~Public Safety of this state~~ secretary."

1108 "§33-5-61

1109 (a) The ~~Director of Public Safety~~ secretary, upon
1110 issuing a boater safety certification, ~~shall have authority~~
1111 ~~whenever the holder~~ to an individual who is impaired from a
1112 physical disability, ~~to may~~ impose restrictions suitable to
1113 the holder's operating ability with respect to the type of or
1114 special mechanical control devices required on a vessel ~~which~~
1115 that the holder may operate or other restrictions applicable
1116 to the holder ~~as the Director of Public Safety or Commissioner~~
1117 ~~of Conservation and Natural Resources may determine to be~~
1118 ~~appropriate~~ to assure the safe operation of a vessel by the
1119 holder.

1120 (b) The ~~Director of Public Safety~~ secretary may either



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1121 issue a special restricted certification or may set ~~forth~~
1122 restrictions upon the usual certification form in the issuance
1123 of certification under subsection (a) ~~of this section~~.

1124 (c) The ~~Commissioner of Conservation and National~~
1125 ~~Resources~~ may secretary, upon receiving satisfactory evidence
1126 of any violation of the restrictions of certification subject
1127 to subsection (a), may suspend the certification, but the
1128 person shall be entitled to a hearing as upon a suspension
1129 under Section 33-5-75.

1130 (d) ~~It shall be a Class C misdemeanor for any person to~~
1131 ~~operate~~ A person who operates a vessel in any manner in
1132 violation of the restrictions imposed in a restricted
1133 certification shall be guilty of a boating violation. ~~Any~~
1134 ~~finest collected for the violation of this section shall be~~
1135 ~~deposited into the State Water Safety Fund."~~

1136 "§33-5-62

1137 (a) The ~~Commissioner of Conservation and Natural~~
1138 ~~Resources~~ secretary may ~~establish and promulgate~~ adopt
1139 reasonable rules ~~and regulations, not in conflict with the~~
1140 ~~laws of this state~~, concerning the operation of vessels and
1141 concerning the enforcement of this ~~article~~ chapter. All fines
1142 collected shall be deposited into the State Treasury to the
1143 credit of the State Water Safety Fund.

1144 (b) ~~Specifically, but not by way of limitation, the~~
1145 ~~commissioner may establish, by regulation, in~~ In addition to
1146 all other penalties, the secretary, by rule, shall assign each
1147 type of boating violation a point value through the creation
1148 of a point system by which boater safety certifications may be



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1149 suspended or revoked, as well as hearing procedures related to
1150 the suspension or revocation of certifications. Point values
1151 shall be assigned based on the severity of a boating
1152 violation, as determined by the secretary. Reports of boating
1153 violations shall retain their point value for suspension
1154 purposes for a period of two years from the date of
1155 conviction; provided, if any period of suspension is
1156 mitigated, the points shall remain effective during any period
1157 of probation which may be imposed.

1158 (c) Unless otherwise provided by law, the penalty for
1159 the violation of any ~~rules and regulations promulgated~~ rule
1160 adopted under this article shall be a ~~Class C misdemeanor~~
1161 ~~punishable upon conviction as provided in Sections 13A-5-7 and~~
1162 ~~13A-5-12. A person so convicted shall be fined~~ boating
1163 violation not less than fifty dollars (\$50)."

1164 "§33-5-63

1165 The ~~Director of Public Safety~~ secretary shall file
1166 every application for a boater safety certification received
1167 ~~by him~~ and shall maintain suitable indices. The ~~Commissioner~~
1168 ~~of Conservation and Natural Resources~~ secretary shall also file
1169 all accident reports and abstracts of court records of
1170 convictions received under the laws of this state and, in that
1171 connection, maintain convenient records or make suitable
1172 notations in order that an individual record of each
1173 certification holder showing the convictions of and the
1174 accidents in which the holder has been involved. The record
1175 shall be readily ascertainable and available for the
1176 consideration of the ~~commissioner and director~~ secretary upon



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1177 any application for renewal of certification and at other
1178 suitable times."

1179 "§33-5-64

1180 (a) In the event any boater safety certification issued
1181 under this article is lost or destroyed, the Secretary of ALEA
1182 may issue a duplicate to the person under the following
1183 conditions:

1184 (1) Upon application for a first duplicate, the person
1185 ~~may upon payment of~~ shall pay a fee of five dollars (\$5) and
1186 ~~upon furnishing~~ furnish proof to the ~~Director of Public Safety~~
1187 secretary that the certificate has been lost or destroyed,
1188 ~~secure a duplicate.~~

1189 (2) The ~~Upon application for a~~ second ~~and or~~ subsequent
1190 ~~duplicates~~ duplicate, the person shall pay ~~applied for will~~
1191 ~~require the payment of~~ a fee of fifteen dollars (\$15) and,
1192 ~~upon furnishing~~ furnish proof satisfactory to the ~~Director of~~
1193 ~~Public Safety~~ secretary that the previously held certification
1194 or duplicate has been lost or destroyed, ~~a duplicate may be~~
1195 ~~secured.~~

1196 (b) Application for ~~the a~~ duplicate shall be made to
1197 the ~~Director of Public Safety~~ secretary on forms provided by
1198 ~~the official~~ ALEA. The fee shall be collected by the ~~director~~
1199 secretary, paid into the State Treasury, and credited to the
1200 ~~Department of Public Safety~~ State Water Safety Fund. The fee
1201 shall be retained by ~~the Department of Public Safety~~ ALEA, and
1202 ~~is~~ appropriated on a continuous basis, and ~~shall be~~ utilized
1203 and expended for boating safety or law enforcement purposes.
1204 ~~and~~ The fee shall not revert to the General Fund at the end of



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1205 the fiscal year.

1206 ~~(b)~~ (c) Any person making a false affidavit to the
1207 ~~Director of Public Safety~~ secretary for the purpose of
1208 obtaining a duplicate certification shall be guilty of a Class
1209 C misdemeanor and ~~upon conviction shall be punished as~~
1210 ~~provided in Sections 13A-5-7 and 13A-5-12. Any person so~~
1211 ~~convicted~~ shall be fined not less than fifty dollars (\$50).
1212 All fines collected for the violation of this subsection shall
1213 be deposited into the State Water Safety Fund.

1214 ~~(e)~~ (d) Notwithstanding ~~anything~~ any other provision of
1215 law to the contrary, ~~however, the~~ in the event a person is
1216 issued a valid Alabama motor vehicle driver or learner license
1217 or valid Alabama nondriver identification card at the same
1218 time as issuance of the boater safety certification, the
1219 person shall not be required to pay any additional fees for
1220 the reissuance of a lost or destroyed boater safety
1221 certification as denoted on any reissued lost or destroyed
1222 motor vehicle driver license, ~~when the license and a boater~~
1223 ~~safety certification were previously issued at the same time."~~

1224 "§33-5-65

1225 (a) Any person whose boater safety certification has
1226 been cancelled, suspended, or revoked ~~under any provision of~~
1227 ~~Alabama law, by the Commissioner of Conservation and Natural~~
1228 ~~Resources, or by any court of competent jurisdiction shall,~~
1229 upon application for reinstatement of the certification, shall
1230 pay to the ~~Director of Public Safety~~ secretary a fee of fifty
1231 dollars (\$50) for each cancellation, suspension, or revocation
1232 action. An additional fifty dollars (\$50) ~~is~~ shall be imposed



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1233 if the cancelled, suspended, or revoked certification is not
1234 voluntarily surrendered within 30 days of a cancellation,
1235 suspension, or revocation notice.

1236 (b) Upon receipt of the reinstatement fee, clearance
1237 for recertification ~~will~~ shall be provided. The second and any
1238 subsequent clearance for recertification for this action ~~will~~
1239 shall be provided for a fee of five dollars (\$5).

1240 (c) Upon reinstatement, the holder ~~is required to~~ shall
1241 obtain a duplicate certification with a new photograph and
1242 current personal data.

1243 (d) Fees collected ~~by the director~~ under this section
1244 shall be deposited into the State Treasury to the credit of
1245 the State Water Safety Fund ~~retained by the Department of~~
1246 ~~Public Safety and shall not be returned to the applicant for~~
1247 ~~reinstatement of certification, notwithstanding what action~~
1248 ~~the Commissioner of Conservation and Natural Resources may~~
1249 ~~take on the person's application for reinstatement of~~
1250 ~~certification.~~"

1251 "§33-5-66

1252 (a) Any person of whom a boater safety certification is
1253 required, who operates a motorized vessel on the waters of
1254 this state ~~as the terms are defined in Section 33-5-3,~~ without
1255 first complying with this article, or the rules ~~and~~
1256 ~~regulations promulgated~~ adopted thereunder, shall be guilty of
1257 a ~~Class B misdemeanor~~ boating violation, ~~and, upon conviction~~
1258 ~~is punishable as provided in Sections 13A-5-7 and 13A-5-12.~~
1259 ~~Any person so convicted shall be fined not less than~~
1260 ~~twenty-five dollars (\$25).~~



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1261 (b) Any person who knowingly gives permission to
1262 operate a motorized vessel on the waters of this state, ~~as the~~
1263 ~~terms are defined in Section 33-5-3,~~ to another person who is
1264 required to have a boater safety certification ~~pursuant to~~
1265 ~~this article~~ and who does not have a boater safety
1266 certification ~~in compliance with this article,~~ or to another
1267 person required to be accompanied ~~pursuant to this article~~ and
1268 who is not accompanied ~~in compliance with this article,~~ shall
1269 be guilty of a ~~Class C misdemeanor and, upon conviction, is~~
1270 ~~punishable as provided in Sections 13A-5-7 and 13A-5-12. Any~~
1271 ~~person so convicted shall be~~ boating violation ~~fin~~ ed not less
1272 ~~than twenty-five dollars (\$25).~~

1273 (c) Any person who willfully makes a false statement
1274 under oath in an application for or renewal ~~for~~ of a boater
1275 safety certification, shall be guilty of perjury and upon
1276 conviction ~~is punishable~~ shall be punished as provided by law.

1277 (d) Any person who willfully conceals or withholds a
1278 material fact called for in an application for or renewal of a
1279 boater safety certification, with intent to obtain
1280 certification by fraud, shall be guilty of a ~~Class C~~
1281 ~~misdemeanor and, upon conviction, is punishable as provided in~~
1282 ~~Sections 13A-5-7 and 13A-5-12. Any person so convicted shall~~
1283 ~~be~~ boating violation ~~fin~~ ed not less than twenty-five dollars
1284 ~~(\$25).~~

1285 (e) Any person who violates any provision of this
1286 article for which no fixed punishment is prescribed, or who
1287 violates any rule ~~or regulation promulgated as authorized by~~
1288 adopted pursuant to this article, shall be guilty of a ~~Class C~~



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1289 ~~misdemeanor and, upon conviction, is punishable as provided in~~
1290 ~~Sections 13A-5-7 and 13A-5-12. Any person so convicted boating~~
1291 ~~violation shall be fined not less than twenty-five dollars~~
1292 ~~(\$25).~~

1293 (f) All fines, penalties, or forfeitures imposed and
1294 collected under this article shall be forwarded immediately by
1295 the officer of the court who collects them to the ~~Commissioner~~
1296 ~~of Conservation and Natural Resources~~ secretary, together with
1297 a report giving a list and description of each case in which a
1298 fine, penalty, or forfeiture was collected. The reports shall
1299 be on forms provided by the ~~commissioner~~ secretary and shall
1300 contain information as the ~~commissioner~~ secretary may require.
1301 All ~~moneys~~ monies received by the ~~commissioner~~ secretary shall
1302 be ~~covered by him immediately upon receipt~~ deposited into the
1303 State Treasury to the credit of the State Water Safety Fund.
1304 ~~Any officer of the court who fails to make the reports~~
1305 ~~provided for or who fails to remit any fines, penalties, or~~
1306 ~~forfeitures, as provided by law, and collected under this~~
1307 ~~article in the manner provided shall be guilty of a Class C~~
1308 ~~misdemeanor and, upon conviction, shall be fined not more than~~
1309 ~~one hundred dollars (\$100)."~~

1310 "§33-5-67

1311 Any person whose boater safety certification or vessel
1312 operator's certification issued in this or another state or
1313 whose vessel operating privilege as a nonresident has been
1314 cancelled, suspended, or revoked, as provided in this article,
1315 and who operates any motorized vessel upon the waters of this
1316 state while certification or privilege is cancelled,



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1317 suspended, or revoked shall be guilty of a ~~Class C misdemeanor~~
1318 ~~and, upon conviction, is punishable as provided in Sections~~
1319 ~~13A-5-7 and 13A-5-12. Any person so convicted shall be~~ boating
1320 violation and fined not less than one hundred dollars (\$100).
1321 Also, at the discretion of the ~~Commissioner of Conservation~~
1322 ~~and Natural Resources~~ secretary, the person's certification or
1323 privilege may be revoked or suspended for an additional
1324 ~~revocation~~ period of six months."

1325 "§33-5-68

1326 (a) Every applicant for an original boater safety
1327 certification shall be required to pay an application fee of
1328 five dollars (\$5) to the ~~Department of Public Safety~~ secretary
1329 upon applying to the ~~officer, state trooper, or duly~~
1330 ~~authorized agent of the Director of Public Safety, or to one~~
1331 ~~of them where there is more than one~~ person designated by the
1332 ~~Director of Public Safety,~~ secretary to conduct examinations
1333 in the county of the applicant's residence. The five dollar
1334 (\$5) application fee shall be required prior to the issuance
1335 of each certification of examination or exemption from
1336 examination.

1337 (b) The ~~Department of Public Safety~~ secretary shall
1338 issue proper receipts for the application fee. The application
1339 fees are appropriated on a continuous basis to ~~the Department~~
1340 ~~of Public Safety,~~ ALEA and shall be retained by the department
1341 and utilized for boating safety or law enforcement purposes
1342 and shall not revert to the State General Fund at the end of
1343 each fiscal year."

1344 "§33-5-69



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1345 (a) ~~All persons~~ It shall be the duty of the parent or
1346 guardian of any child under eight years of age on board any
1347 vessel or boat of any kind on the waters of this state ~~shall~~
1348 to require the child to at all times wear a United States
1349 Coast Guard approved wearable personal flotation device of
1350 proper size for the ~~person~~ child, except that no personal
1351 flotation device shall be required for any ~~person~~ child who is
1352 inside of an enclosed cabin or enclosed sleeping space
1353 regardless of whether the vessel is in operation.

1354 (b) Any personal flotation devices required in this
1355 section shall be strapped, snapped, or zippered securely and
1356 maintained in good condition at all times they are required to
1357 be worn.

1358 (c) Any person who ~~fails to require or permits any~~
1359 ~~person under their legal custody or control to fail to comply~~
1360 ~~with,~~ violates the requirements of this section, shall be
1361 guilty of a ~~Class B misdemeanor, and upon conviction is~~
1362 ~~punishable as provided in Sections 13A-5-7 and 13A-5-12. Any~~
1363 ~~person so convicted shall be~~ boating violation ~~fined not less~~
1364 ~~than one hundred dollars (\$100)."~~

1365 "§33-5-70

1366 (a) It is unlawful to operate a vessel in a reckless
1367 manner upon the waters of this state. A person is guilty of
1368 the reckless operation of a vessel ~~who~~ if the person operates
1369 any vessel, or manipulates any water skis, aquaplane, or other
1370 marine transportation device, upon the waters of this state in
1371 willful or wanton disregard for the safety of persons or
1372 property at a speed, or in a manner likely to endanger, ~~or~~



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1373 ~~likely to endanger,~~ the life, limb, or ~~damage the~~ property of,
1374 ~~or injure~~ any person. Any person who violates this subsection
1375 ~~is~~ shall be guilty of a Class A misdemeanor, ~~punishable upon~~
1376 ~~conviction as provided in Sections 13A-5-7 and 13A-5-12. Any~~
1377 ~~person so convicted~~ and shall be fined not less than one
1378 hundred fifty dollars (\$150).

1379 (b) Any person operating a vessel upon the waters of
1380 this state shall operate the vessel in a reasonable and
1381 prudent manner, so as not to endanger the life, limb, or
1382 property of any person. The endangerment of life, limb, or
1383 property through the negligence, carelessness, or inattention
1384 of any person operating a vessel on the waters of this state
1385 shall constitute careless operation of a vessel. Vessel wake
1386 and shoreline wash resulting from the reasonable and prudent
1387 operation of a vessel ~~shall~~, absent negligence, shall not
1388 constitute damage or endangerment to property. Any person who
1389 violates this subsection ~~is~~ shall be guilty of a ~~Class B~~
1390 ~~misdemeanor, punishable upon conviction as provided in~~
1391 ~~Sections 13A-5-7 and 13A-5-12. Any person so convicted~~ boating
1392 violation and shall be fined not less than one hundred dollars
1393 (\$100).

1394 (c) Each person operating a vessel upon the waters of
1395 this state shall comply with all of the rules ~~and regulations~~
1396 ~~of the Marine Police Division of the Department of~~
1397 ~~Conservation and Natural Resources~~ of the secretary.

1398 (1) A person whose violation of the rules ~~and~~
1399 ~~regulations~~ results in a boating accident, but whose violation
1400 did not constitute reckless or careless operation of a vessel,



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1401 ~~is shall be~~ guilty of a ~~Class C misdemeanor punishable upon~~
1402 ~~conviction as provided in Sections 13A-5-7 and 13A-5-12. Any~~
1403 ~~person so convicted~~ boating violation and shall be fined not
1404 less than one hundred dollars (\$100).

1405 (2) A person whose violation of the rules ~~and~~
1406 ~~regulations~~ does not result in a boating accident and does not
1407 constitute reckless or careless operation of a vessel ~~is shall~~
1408 be guilty of a ~~Class C misdemeanor, punishable upon conviction~~
1409 ~~as provided in Sections 13A-5-7 and 13A-5-12. Any person so~~
1410 ~~convicted~~ boating violation ~~shall be fined not less than fifty~~
1411 ~~dollars (\$50).~~

1412 (d) In addition to all other penalties contained in
1413 this section, any person convicted of violating this section
1414 shall be subject to the revocation or suspension of ~~their his~~
1415 or her boating safety certification or vessel operator's
1416 certification or vessel operating privileges upon the waters
1417 of this state, as provided by law and rules ~~and regulations of~~
1418 ~~the Department of Conservation and Natural Resources~~ adopted
1419 by the secretary."

1420 "§33-5-71

1421 (a) It shall be unlawful for the operator of a vessel,
1422 when the vessel is operated at or above plane speed, to
1423 position or allow the positioning of, persons or equipment,
1424 including but not limited to, seats, coolers, tackle, ski, and
1425 tubing devices, in a manner that would obstruct the operator's
1426 view ~~to impair, or would~~ otherwise impair, the safe operation
1427 of the vessel while operating on the waters of this state.
1428 Sailboats and auxiliary sailboats are exempt from this



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1429 section.

1430 (b) Any person ~~violating~~ who violates this section
1431 shall be guilty of a ~~Class B misdemeanor, and upon conviction~~
1432 ~~shall be punished as provided by Sections 13A-5-7 and~~
1433 ~~13A-5-12. Any person so convicted~~ boating violation ~~shall be~~
1434 ~~fined not less than one hundred dollars (\$100)."~~

1435 "§33-5-72

1436 ~~(a) It shall be unlawful on the waters of this state~~
1437 ~~for any person to operate, or give permission to another~~
1438 ~~person to operate, any vessel less than 24 feet in length~~
1439 ~~having an open construction and having more than 50~~
1440 ~~horsepower, unless the vessel is equipped with an emergency~~
1441 ~~engine or motor shut-off switch.~~

1442 ~~(b) The shut-off switch referred to in subsection (a),~~
1443 ~~shall be a lanyard-type engine cutoff switch and shall be~~
1444 ~~attached to the person, clothing, or personal flotation device~~
1445 ~~of the operator, as is appropriate, and shall be constructed~~
1446 ~~and installed in a manner so that when in use, any removal of~~
1447 ~~the operator from the normal operating station will result in~~
1448 ~~the immediate shut-off of the engine or motor.~~

1449 ~~(c) For the purpose of this section, "open~~
1450 ~~construction" means any vessel described herein not having a~~
1451 ~~permanently affixed top or cabin.~~

1452 (a) As used in this section, the following terms have
1453 the following meanings:

1454 (1) COVERED RECREATIONAL VESSEL. A recreational vessel
1455 that meets both of the following requirements:

1456 a. Measures less than 26 feet in overall length.



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1457 b. Is capable of developing 115 pounds or more of
1458 static thrust.

1459 (2) PROPULSION MACHINERY. A self-contained propulsion
1460 system, including, but not limited to, inboard engines,
1461 outboard motors, and sterndrive engines.

1462 (3) STATIC THRUST. The forward or backward thrust
1463 developed by propulsion machinery while stationary.

1464 (b) A manufacturer, distributor, or dealer that
1465 installs propulsion machinery and associated starting controls
1466 on a covered recreational vessel shall equip the vessel with
1467 an engine cut-off switch and an engine cut-off switch link
1468 that meet American Boat and Yacht Council Standard A-33, as in
1469 effect on the date of the enactment of the Frank LoBiondo
1470 Coast Guard Authorization Act of 2018.

1471 (c) (1) An individual operating a covered recreational
1472 vessel shall use an engine cut-off switch link while operating
1473 on plane or above displacement speed.

1474 (2) The requirements of subdivision (1) do not apply
1475 under either of the following conditions:

1476 a. The main helm of the covered recreational vessel is
1477 installed within an enclosed cabin.

1478 b. The covered recreational vessel does not have an
1479 engine cut-off switch and is not required to have one under
1480 subsection (b).

1481 (d) Any person ~~violating~~ who violates this section
1482 shall be guilty of a ~~Class B misdemeanor, and upon conviction~~
1483 ~~shall be punishable as provided by Sections 13A-5-7 and~~
1484 ~~13A-5-12. Any person so convicted~~ boating violation ~~shall be~~



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1485 ~~fined not less than one hundred dollars (\$100)."~~

1486 "§33-5-73

1487 (a) No person ~~shall under any circumstances~~ may operate
1488 a vessel on the waters of this state in excess of a speed
1489 zone, including a no-wake zone, established by ~~regulation of~~
1490 ~~the Commissioner of Conservation and Natural Resources~~ the
1491 secretary. The ~~commissioner~~ secretary ~~may promulgate rules and~~
1492 ~~regulations establishing~~ establish speed zones, including
1493 no-wake zones, in areas on the waters of this state ~~as deemed~~
1494 ~~hazardous by the commissioner~~.

1495 (b) A person who violates this section shall be guilty
1496 of a boating violation."

1497 "§33-5-74

1498 (a) Except in case of emergency, no person shall moor
1499 or fasten a vessel to a lawfully placed aid-to-navigation
1500 marker, sign, or buoy, regulatory marker, sign, or buoy, or
1501 area boundary marker, sign, or buoy, placed or executed by any
1502 governmental agency.

1503 (b) No person shall willfully damage, alter, or move a
1504 lawfully placed aid-to-navigation marker, sign, or buoy,
1505 regulatory marker, sign, or buoy, or area boundary marker,
1506 sign, or buoy.

1507 (c) Any person ~~violating~~ who violates this section
1508 shall be guilty of a ~~Class B misdemeanor, punishable upon~~
1509 ~~conviction as provided in Sections 13A-5-7 and 13A-5-12. Any~~
1510 ~~person so convicted~~ boating violation and shall be fined not
1511 less than one hundred dollars (\$100)."

1512 "§33-5-75



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1513 (a) The ~~Commissioner of Conservation and Natural~~
1514 ~~Resources~~ secretary may cancel any boater safety certification
1515 upon determining that the holder of the certification was not
1516 entitled to the issuance or that the holder failed to give the
1517 correct or required information in the application for
1518 certification. Upon cancellation, the holder shall surrender
1519 ~~the~~ his or her canceled certification ~~cancelled~~ and any
1520 duplicate of the certification. ~~A holder who refuses to~~
1521 ~~surrender the certification and any duplicate shall be guilty~~
1522 ~~of a Class C misdemeanor, punishable upon conviction as~~
1523 ~~provided in Sections 13A-5-7 and 13A-5-12.~~

1524 (b) The privilege of operating a vessel on the waters
1525 of this state, ~~as defined in Section 33-5-3,~~ shall be subject
1526 to suspension or revocation by the ~~commissioner~~ secretary in
1527 like manner and for like cause as a boater safety
1528 certification may be suspended or revoked.

1529 (c) The ~~commissioner may~~ secretary, upon receiving a
1530 record of the conviction in this state of a nonresident
1531 operator of a vessel of any offense, may forward a certified
1532 copy of the record to the boater safety administrator in the
1533 state where the person was convicted is a resident.

1534 (d) When a nonresident's operating privilege or Alabama
1535 boater safety certification is suspended or revoked, the
1536 ~~commissioner~~ secretary may forward a certified copy of the
1537 record of the action to the boater safety administrator in the
1538 state where the person resides.

1539 (e) The ~~commissioner~~ secretary may suspend or revoke
1540 the boater safety certification of any person in this state or



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1541 the privilege of any person to operate a vessel on the waters
1542 of this state upon receiving notice of the conviction of the
1543 person in another state of any offense therein which, if
1544 committed in this state, would be grounds for the suspension
1545 or revocation of the boater safety certification or vessel
1546 operating privilege of a vessel operator.

1547 (f) The ~~commissioner~~ secretary may give effect to
1548 conduct of a resident in another state as is provided by the
1549 laws of this state had the conduct occurred in this state.

1550 (g) ~~Whenever~~ When any person is convicted of any
1551 offense for which this article makes mandatory the revocation
1552 of the certification of the person, the court ~~in which the~~
1553 ~~conviction is had~~ shall require the surrender of the
1554 certification documents and duplicates of any boater safety
1555 certification ~~then~~ held by the person convicted and ~~the court~~
1556 shall ~~thereupon~~ forward the proof of certification surrendered
1557 together with a record of the conviction to the ~~commissioner~~
1558 secretary.

1559 (h) ~~Every court with jurisdiction over offenses~~
1560 ~~committed under this article, or any other law of this state,~~
1561 ~~or municipal ordinance adopted by a local authority,~~
1562 ~~regulating the operation of vessels on the waters, shall~~
1563 ~~forward to the commissioner, within~~ Within 10-15 days of a
1564 ~~record of the~~ conviction of any person ~~in the court~~ for a
1565 violation of any ~~laws~~ law for which the person is subject to
1566 boater safety certification or vessel operating privilege
1567 suspension or revocation, the court shall forward a record of
1568 the conviction to the secretary and ~~the court~~ may recommend



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1569 the suspension of the certification or vessel operating
1570 privilege of the person ~~so convicted~~.

1571 (i) For the purposes of this section, the term
1572 "conviction" shall mean a final conviction. Also, for the
1573 purposes of this section, an unvacated forfeiture of bail or
1574 collateral deposited to secure a defendant's appearance in
1575 court, a plea of nolo contendere accepted by the court, the
1576 payment of a fine, a plea of guilty, or a finding of guilt of
1577 a boating or vessel operation violation charge, shall be
1578 equivalent to a conviction regardless of whether the penalty
1579 is rebated, suspended, or probated.

1580 (j) The ~~commissioner~~ secretary shall ~~forthwith~~ revoke
1581 the certification or vessel operating privilege of any person
1582 upon receiving a record of the person's conviction of any of
1583 the following offenses:

1584 (1) Manslaughter or homicide by vehicle or vessel
1585 resulting from the operation of a vessel.

1586 (2) Any violation of Section 32-5A-191.3 which requires
1587 revocation.

1588 (3) Any offense of any law or ~~regulation~~ rule for which
1589 mandatory revocation is required upon conviction.

1590 (4) Any felony in the commission of which a vessel is
1591 used.

1592 (5) Failure to stop, render aid, or identify the person
1593 as required under the laws of this state in the event of a
1594 boating accident resulting in the death or personal injury of
1595 another.

1596 (6) Perjury or the making of a false affidavit or



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1597 statement under oath to the ~~Director of Public Safety or~~
1598 ~~Commissioner of Conservation and Natural Resources~~ secretary
1599 under this article or under any other law or ~~regulation~~ rule
1600 relating to the ownership or operation of vessels.

1601 (7) Conviction upon three charges of reckless or
1602 careless operation of a vessel committed within a period of 12
1603 months.

1604 (8) Unauthorized use of a vessel belonging to another, ~~r~~
1605 which ~~act~~ use does not amount to a felony.

1606 (k) The ~~Commissioner of Conservation and Natural~~
1607 ~~Resources~~ secretary may suspend the certification or operating
1608 privilege of a ~~vessel operator~~ person without preliminary
1609 hearing upon a showing by its records or other sufficient
1610 evidence that the ~~operator~~ person did any of the following:

1611 (1) Has committed an offense for which mandatory
1612 revocation is required upon conviction.

1613 (2) Has been convicted of any offense under Section
1614 32-5A-191.3 which provides for suspension.

1615 (3) Has been convicted of any offense of any law or
1616 ~~regulation~~ rule which provides for suspension.

1617 (4) Has been convicted with frequency of serious
1618 offenses against boating or vessel operation laws or
1619 ~~regulations~~ rules governing the movement of vessels ~~as to~~
1620 ~~indicate~~ indicating a disrespect for boating or vessel
1621 operation laws and a disregard for the safety of other persons
1622 on the waters of this state.

1623 (5) Is an habitually reckless, careless, or negligent
1624 operator of a vessel, established by a record of accidents, or



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1625 by other evidence.

1626 (6) Is incompetent to operate a vessel.

1627 (7) Has permitted an unlawful or fraudulent use of
1628 certification.

1629 (8) Has committed an offense in another state which if
1630 committed in this state would be grounds for suspension or
1631 revocation.

1632 (9) Has been convicted of fleeing or attempting to
1633 elude ~~a marine police officer~~ any law enforcement officer.

1634 (10) Has violated a restricted boater safety
1635 certification pursuant to Section 33-5-61.

1636 (1) Upon suspending the certification or operating
1637 privilege of any person, the ~~Commissioner of Conservation and~~
1638 ~~Natural Resources~~ secretary shall immediately notify the
1639 person in writing and upon request shall afford the person an
1640 opportunity for a hearing as early as practicable, not to
1641 exceed 30 days after receipt of the request, in the county
1642 where the person resides or in Montgomery County in the case
1643 of a nonresident, unless the ~~Commissioner of Conservation and~~
1644 ~~Natural Resources~~ secretary and the person agree that the
1645 hearing may be held in some other county. The hearing shall be
1646 before the ~~Commissioner of Conservation and Natural Resources~~
1647 secretary or a duly authorized agent. At the hearing, the
1648 ~~Commissioner of Conservation and Natural Resources,~~ secretary
1649 or duly authorized agent, ~~may~~ may administer oaths, ~~and may~~ issue
1650 subpoenas for the attendance of witnesses and the production
1651 of relevant books and papers, and ~~may~~ require a reexamination
1652 of the person. At the hearing, the ~~Commissioner of~~



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1653 ~~Conservation and Natural Resources,~~ secretary or duly
1654 authorized agent, shall either rescind its order of suspension
1655 or, upon good cause shown, may continue, modify, or extend the
1656 suspension or revoke the certification or operating privilege
1657 of the person. If the certification or operating privilege has
1658 been suspended as a result of the person's operation while
1659 under the influence of alcohol, the ~~commissioner~~ secretary or
1660 duly authorized agent ~~conducting the hearing shall take into~~
1661 ~~account~~ shall consider, among other relevant factors, the
1662 person's successful completion of any duly established
1663 waterway intoxication seminar, "DUI counterattack course," or
1664 similar educational program designed for problem drinking
1665 operators. If the hearing is conducted by a duly authorized
1666 agent instead of by the ~~Commissioner of Conservation and~~
1667 ~~Natural Resources~~ secretary, the action of the agent shall
1668 first be approved by the ~~Commissioner of Conservation and~~
1669 ~~Natural Resources~~ secretary prior to implementation.

1670 ~~(m) At the end of the period of suspension, a~~
1671 ~~certification surrendered to the Commissioner of Conservation~~
1672 ~~and Natural Resources under subsection (n) shall be returned~~
1673 ~~to the person.~~

1674 ~~(n) (m)~~ The ~~Commissioner of Conservation and Natural~~
1675 ~~Resources~~ secretary, upon cancelling, suspending, or revoking
1676 a certification, shall require that proof of certification and
1677 any duplicates be surrendered to ~~and be retained by the~~
1678 ~~Commissioner of Conservation and Natural Resources~~ ALEA. Any
1679 person whose certification has been cancelled, suspended, or
1680 revoked shall immediately return the certification and any



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1681 duplicates to ~~the Commissioner of Conservation and Natural~~
1682 ~~Resources~~ ALEA. If the person refuses to surrender the
1683 certification, the person shall be guilty of a Class C
1684 misdemeanor ~~punishable as provided by law~~.

1685 ~~(p)~~ (n) Any resident or nonresident whose certification
1686 or privilege to operate a vessel in this state has been
1687 suspended or revoked, as provided in this section, ~~shall~~ may
1688 not operate a vessel in this state under a certification, or
1689 other approved valid document issued by any other jurisdiction
1690 ~~or otherwise~~ during the suspension or after revocation until a
1691 new Alabama certification or privilege is obtained as
1692 permitted under this article.

1693 ~~(p)~~ (o) Any person denied a certification or whose
1694 certification or operating privilege has been cancelled,
1695 suspended, or revoked by the ~~Commissioner of Conservation and~~
1696 ~~Natural Resources~~ secretary, except where cancellation,
1697 suspension, or revocation is mandatory under this article,
1698 ~~shall have the right to~~ may file a petition within 30 days for
1699 a hearing in the matter in the circuit court in the county
1700 wherein the person resides, or, in the case of cancellation,
1701 suspension, or revocation of a nonresident's certification or
1702 operating privilege, in the county in which the main office of
1703 the ~~Commissioner of Conservation and Natural~~
1704 ~~Resources~~ secretary is located, ~~and the~~ The circuit court ~~is~~
1705 ~~vested with~~ shall have jurisdiction for hearing the petitions
1706 for certification or operating privilege. The circuit court
1707 shall set the matter for hearing upon 30 days' written notice
1708 to the ~~Commissioner of Conservation and Natural Resources~~



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1709 secretary and shall take testimony, examine the facts of the
1710 case, and determine whether the petitioner is entitled to a
1711 certification or operating privilege under this section or is
1712 subject to suspension, cancellation, or revocation."

1713 "§33-5-77

1714 (a) It shall be unlawful ~~in this state for any person~~
1715 ~~to violate the federal laws or rules regulating the horsepower~~
1716 ~~of the engines of the vessels operating on the waters of this~~
1717 ~~state~~ to operate a vessel powered beyond the manufacturer's
1718 capacity plate.

1719 (b) Any person violating this section shall be guilty
1720 of a ~~Class C misdemeanor that is punishable, upon conviction,~~
1721 ~~as provided by Sections 13A-5-7 and 13A-5-12. Any person so~~
1722 ~~convicted shall be fined not less than one hundred dollars~~
1723 ~~(\$100)~~ boating violation.

1724 ~~(c) The effective date of only this section shall be~~
1725 ~~five years from April 28, 1994."~~

1726 "§33-5-79

1727 The ~~Commissioner of Conservation and Natural Resources~~
1728 secretary may ~~implement~~ adopt and enforce reasonable and
1729 necessary rules ~~and regulations~~ to administer and enforce this
1730 ~~article~~ chapter."

1731 "§33-5-81

1732 The State Department of Education shall require a
1733 segment of the approved driver education curricula to include
1734 boating safety in Alabama, ~~beginning with the 1994-95 school~~
1735 ~~year.~~ The boating safety curricula shall be approved in
1736 writing by the ~~Commissioner of Conservation and Natural~~



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1737 Resources secretary and the State Superintendent of
1738 Education."

1739 Section 2. (a) For purposes of this section, an
1740 electronic boating traffic ticket, or "e-ticket," is defined
1741 as a ticket that is generated and printed at the site of an
1742 offense committed on the waters of this state, as defined
1743 under Section 33-5-3, Code of Alabama 1975, after the
1744 violation has been electronically transmitted to the court.

1745 (b) When any person is arrested for an offense
1746 committed on the waters of this state, the arresting officer,
1747 unless otherwise provided in this section, shall take the name
1748 and address of the person and registration information of his
1749 or her vessel and issue a summons or otherwise notify the
1750 person in writing or by an e-ticket to appear at a time and
1751 place to be specified in the summons, notice, or e-ticket.

1752 (c) An arresting officer shall transfer the arrest and
1753 licensing information of a violator electronically to the
1754 court. The court shall electronically record the arrest and
1755 issue a complaint and summons or notice to appear, which shall
1756 be printed at the site of the offense and given to the
1757 violator.

1758 (d) The person arrested, if he or she so desires, shall
1759 have a right to an immediate hearing or a hearing within 24
1760 hours at a convenient hour before a magistrate within the
1761 county or city where the offense was committed, or if an
1762 e-ticket is written, the person shall have a right, if he or
1763 she desires, to an immediate hearing or a hearing within 24
1764 hours at a convenient hour before any magistrate within this



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1765 state.

1766 (e) (1) Except when an arresting officer cites a person
1767 with an e-ticket, the officer, upon the giving by the person
1768 of the required bond to appear at a certain time and place,
1769 shall release the person from custody.

1770 (2) Except when an arresting officer cites a person
1771 with an e-ticket, a person refusing to give bond to appear
1772 shall be taken immediately by the arresting officer before the
1773 nearest or most accessible magistrate.

1774 (3) When an e-ticket is used by an arresting officer, a
1775 person shall be deemed to have given his or her written bond
1776 to appear in court on the date as specified on the e-ticket.

1777 (f) Any person who willfully violates his or her
1778 written bond by failing to timely appear shall be guilty of a
1779 Class C misdemeanor regardless of the disposition of the
1780 charge upon which he or she was originally arrested.

1781 (g) This section does not apply to any of the following
1782 persons:

1783 (1) A person arrested and charged with an offense
1784 causing or contributing to an accident resulting in injury or
1785 death to any person.

1786 (2) A person charged with operating a vessel in
1787 violation of Section 32-5A-191.3, Code of Alabama 1975.

1788 (3) A person whom the arresting officer has good cause
1789 to believe has committed any felony.

1790 (h) When a person is arrested or charged with an
1791 offense described in subsection (g), the arresting officer
1792 shall take the person before the nearest or most accessible



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1793 magistrate.

1794 Section 3. Sections 12-12-50, 12-12-51, 12-12-52,
1795 12-12-55, and 12-19-179, Code of Alabama 1975, are amended to
1796 read as follows:

1797 "§12-12-50

1798 As used in this article, the following terms have the
1799 following meanings:

1800 (1) BOATING VIOLATION. As defined in Section 33-5-3.

1801 ~~A "traffic infraction" is any~~ (2) TRAFFIC INFRACTION.

1802 Any violation of a statute, ordinance, or rule relating to the
1803 operation or use of motor or other vehicles or the use of
1804 streets and highways by pedestrians."

1805 "§12-12-51

1806 The district court shall have exclusive original
1807 jurisdiction of misdemeanor prosecutions for traffic
1808 infractions and all boating violations, except ordinance
1809 infractions prosecuted in municipal courts."

1810 "§12-12-52

1811 Pursuant to the provisions of Section 12-17-251,
1812 magistrates may receive pleas of guilty in traffic infraction
1813 and boating violation prosecutions, but may not receive pleas
1814 in matters involving any of the following:

1815 (1) Violations resulting in personal injury~~†~~.

1816 (2) Operation of a motor vehicle or vessel while
1817 intoxicated~~†~~.

1818 (3) Reckless driving or reckless operation of a
1819 vessel~~†~~.

1820 (4) Felonies or indictable offenses~~†~~.



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1821 (5) Operation of a motor ~~vehicles~~ vehicle or vessel
1822 without an operator's license or boater safety certification,
1823 as applicable, or while the license or certification is
1824 suspended or revoked; ~~or.~~

1825 (6) A defendant convicted of two or more previous
1826 traffic offenses or boating violations in the preceding 12
1827 months."

1828 "§12-12-55

1829 (a) Schedules of fines to be imposed for traffic
1830 infractions and boating violations shall be established by law
1831 or rule.

1832 (b) The manner in which fines and costs shall be paid
1833 to and accounted for by personnel assigned to accept payment
1834 shall be provided by administrative rule."

1835 "§12-19-179

1836 (a) The following distribution shall be made of docket
1837 fees for traffic infractions and boating violations in
1838 district court:

1839 (1) Three dollars (\$3) to the Police Officers' Annuity
1840 Fund.

1841 (2) Sixteen dollars (\$16) to the Fair Trial Tax Fund.

1842 (3) Eight dollars fifty cents (\$8.50) to the State
1843 Drivers' Fund.

1844 (4) Forty-nine dollars (\$49) to the State General Fund;
1845 provided, that in boating violation cases initiated by a
1846 county law enforcement officer, twenty-four dollars and fifty
1847 cents (\$24.50) shall be paid into the State General Fund and
1848 twenty-four dollars and fifty cents (\$24.50) shall be paid



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1849 [into the county general fund.](#)

1850 (5) Three dollars (\$3) to the county general fund.

1851 (6) An arrest fee of five dollars (\$5) to the State
1852 General Fund or the state funds prescribed by law; except,
1853 that the arrest fee shall be paid into the county general fund
1854 in cases initiated by county law enforcement officers.

1855 (7) Two dollars fifty cents (\$2.50) to the District
1856 Attorney Fund or to the fund prescribed by law for district
1857 attorney fees.

1858 (8) Five dollars (\$5) to the Advanced Technology and
1859 Data Exchange Fund.

1860 (b) The additional five dollars (\$5) assessed and
1861 collected in traffic cases in district court, effective
1862 October 1, 2000, shall be distributed to the Fair Trial Tax
1863 Fund.

1864 (c) Fees for issuance of alias writs from circuit and
1865 district courts shall be distributed as follows:

1866 (1) Writs issuing from district court:

1867 a. Two dollars (\$2) to the county general fund.

1868 b. Eighteen dollars (\$18) to the State General Fund.

1869 (2) Writs issuing from circuit court:

1870 a. Five dollars (\$5) to the county general fund.

1871 b. Twenty-five dollars (\$25) to the State General

1872 Fund."

1873 Section 4. Section 41-27-6, Code of Alabama 1975, is
1874 amended to read as follows:

1875 "§41-27-6

1876 (a) (1) The Director of the Department of Public Safety



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1877 shall be appointed by the Secretary of the Alabama State Law
1878 Enforcement Agency, after consultation with the Governor, and
1879 shall hold office at the pleasure of the secretary. The
1880 director shall be appointed from a legacy agency as defined in
1881 Section 41-27-7. The salary of the director shall be set by
1882 the secretary, and shall not be subject to Section 36-6-6. A
1883 person appointed director shall have an extensive law
1884 enforcement background and, by virtue of office, is a state
1885 law enforcement officer with the immunity set forth in Section
1886 6-5-338.

1887 (2) The director shall have overall supervision and
1888 management of functions transferred to the department pursuant
1889 to this section, subject to the approval of the secretary,
1890 including the power to change the working title of any
1891 position or to reorganize or rename any of the divisions,
1892 units, or functions specified in this section. Any change of
1893 working title shall not alter the classification or
1894 compensation of any person in the state Merit System.

1895 (3) All functions performed by the department on
1896 October 1, 2014, shall remain under the Department of Public
1897 Safety unless reorganized by the secretary or otherwise
1898 transferred pursuant to this chapter.

1899 (b) (1) The Highway Patrol Division of the Department of
1900 Public Safety succeeds to and is vested with all law
1901 enforcement functions of the following enforcement units, and
1902 a reference in any law to these enforcement units shall be
1903 deemed a reference to the Highway Patrol Division of the
1904 Department of Public Safety:



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1905 a. The law enforcement unit of the Public Service
1906 Commission.

1907 b. The revenue enforcement officers of the Department
1908 of Revenue.

1909 (2) The director shall appoint a chief of the division.

1910 (c) (1) The Marine ~~Police~~ Patrol Division is hereby
1911 created within the Department of Public Safety. The director
1912 shall appoint a chief of the division.

1913 (2) The Marine ~~Police~~ Patrol Division of the Department
1914 of Public Safety succeeds to and is vested with all functions
1915 of the Marine Police Division of the Department of
1916 Conservation and Natural Resources. A reference in any law to
1917 the Marine Police Division of the Department of Conservation
1918 and Natural Resources shall be deemed a reference to the
1919 Marine ~~Police~~ Patrol Division of the Department of Public
1920 Safety."

1921 Section 5. It is the intent of the Legislature, in
1922 implementing this act, that the Alabama Supreme Court would
1923 adopt rules pursuant to its authority under Section 150 of the
1924 Constitution of Alabama of 2022, to adopt a schedule of fines
1925 for boating violations, and to adopt a Uniform Boating Traffic
1926 Ticket and Complaint form or an electronic version thereof,
1927 and provide for the use, content, numbering schemes, and
1928 issuance of the ticket.

1929 Section 6. The following sections of the Code of
1930 Alabama 1975, are repealed:

1931 (1) Section 33-5-22.1, Code of Alabama 1975, providing
1932 that the hull of a sailboard is deemed a flotation device.



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1933 (2) Section 33-5-29, Code of Alabama 1975, relating to
1934 the publication of rules.

1935 (3) Section 33-5-33, Code of Alabama 1975, relating to
1936 fees in certain prosecutions.

1937 (4) Section 33-5-78, Code of Alabama 1975, relating to
1938 the definition of vessels.

1939 Section 7. Although this bill would have as its purpose
1940 or effect the requirement of a new or increased expenditure of
1941 local funds, the bill is excluded from further requirements
1942 and application under Section 111.05 of the Constitution of
1943 Alabama of 2022, because the bill defines a new crime or
1944 amends the definition of an existing crime.

1945 Section 8. This act shall become effective January 1,
1946 2024, following its passage and approval by the Governor, or
1947 its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 09-May-23, as amended.

John Treadwell
Clerk

Senate

25-May-23

Passed